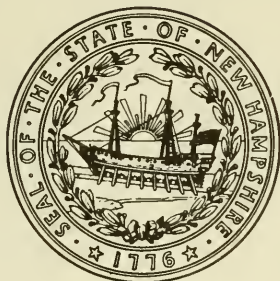


NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

1985 Session

December 5, 1984

through

June 28, 1985

JOHN B. TUCKER
SPEAKER

CARL A. PETERSON
CLERK

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HOUSE JOURNAL 1

Wednesday, 5Dec84

The House met at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, One thousand nine hundred and eighty-four, being the day designated by the Constitution for assembling of that body, the one hundred and forty-ninth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Carl A. Peterson, House Clerk for the preceding session.

Prayer was offered by Rev. Larry Turns, pastor of the First Congregational Church in Claremont.

Lord God, may Your Spirit preside over and be in this body.

May Your Spirit of truth be in the midst of the decisions that are made, in the thoughts that are expressed, in the struggles and debates, in the bills and actions that are approved. Pray there be an openness to hear and seek the truth.

May Your Spirit of compassion open hearts to human need, getting beyond self-interest and prejudices. Let there be a sensitivity to Your voice and may judgments of human need be through Your eyes.

May Your Spirit of wisdom enable this body to get beyond the limitations of human wisdom so that they may have Your mind. May there be a discernment of truth from untruth and healthy motives from unhealthy motives.

May Your Spirit of love move with power so that there will be a desire to serve You and Your will above all else. Further, may there be a desire to serve people in the Spirit of Christ, not wielding power or self-interests, but the needs and interests of others.

May Your Spirit of unity and peace bind this body together to work effectively. May there be room for forgiveness and reconciliation where needed.

Finally, Lord, may the members of this body trust Your high calling in their lives and trust Your presence in all that happens.

We pray for John Stimmell who passed away last night. Be with his family and lead them through this time.

Lord we thank You for Your Love which is the Spirit of Christmas. Amen.

Rep.-elect Thomas Connolly of Pembroke led the Pledge of Allegiance.

Carol Tucker sang the Star Spangled Banner accompanied by Doug Embree, Organist.

LEAVES OF ABSENCE

Rep.-elect Lawrence Chase, the day, illness.

Reps.-elect Copenhaver, Mary Holmes, West and Robert Hayes, the day, important business.

Rep.-elect Pantzer, the day, death in the family.

CALL OF THE ROLL

BELKNAP COUNTY

Dist. No. 1	James J. White, r
Dist. No. 2	Barbara B. Bowler, r&d
Dist. No. 3	Kenneth A. Randall, r
Dist. No. 4	Russell M. Brown, r; Earle D. Hardy, r
Dist. No. 5	Clifford W. Birch, r; Richard H. Campbell, Jr., r; Robert S. Hawkins, r; Ralph W. Pearson, r
Dist. No. 6	Milton G. Jensen, r&d; Matthew J. Locke, r
Dist. No. 7	Paul A. Golden, r
Dist. No. 8	Dean Dexter, r
Dist. No. 9	Richard W. Bastraw, r
Dist. No. 10	Dennis R. Bolduc, d&r; Norman R. Brough, r
Dist. No. 11	Barbara T. Zeckhausen, r
Dist. No. 12	Malcolm W. Harrington, r
Dist. No. 13	Robert G. Holbrook, r

CARROLL COUNTY

Dist. No. 1	Gene G. Chandler, r
Dist. No. 2	Paul O. Ashnault, r; Howard C. Dickinson, Jr., r; William J. Hounsell, r
Dist. No. 3	Robert B. Holmes, Jr., r&d
Dist. No. 4	Frank E. McIntire, r&d; Jack H. Schofield, r
Dist. No. 5	Gerard E. Powers, Jr., r; Howard N. Saunders, r
Dist. No. 6	Russell C. Chase, r; Kenneth J. MacDonald, r&d
Dist. No. 7	J. Lisbeth Olimpio, d

CHESHIRE COUNTY

Dist. No. 1	Jeffrey C. Miller, r; David A. Young, r
Dist. No. 2	Helen C. Burley, r; Jo Ann T. Morse, r
Dist. No. 3	Robert F. Delano, r; Elmer L. Johnson, r; Robert P. Secord, r
Dist. No. 4	Daniel A. Eaton, d
Dist. No. 5	Irvin H. Gordon, r&d; William A. Riley, d
Dist. No. 6	Clayton H. Crane, r; Richard A. Grodin
Dist. No. 7	William R. Matson, d&r
Dist. No. 8	Jesse F. Davis, r
Dist. No. 9	Dale E. Thompson, r
Dist. No. 10	David M. Perry, r; Margaret A. Ramsay, d
Dist. No. 11	Ralph Parker, r
Dist. No. 12	William J. Sullivan, d
Dist. No. 13	Susan Schwartz, d
Dist. No. 14	William Arnott, r&d
Dist. No. 15	Frederick T. Frink, d; Floyd A. Kohl, r
Dist. No. 16	Paul G. Blacketor, d&r; Andrea A. Scranton, r

Dist. No. 17 David Ridge, r; Patricia T. Russell, d

COOS COUNTY

Dist. No. 1 Colon Chappell, r; Beaton Marsh, r

Dist. No. 2 Frederic A. Foss, r

Dist. No. 3 Josephine Mayhew, d

Dist. No. 4 Lynn C. Horton, r&d

Dist. No. 5 Harold W. Burns, r

Dist. No. 6 Phoebe A. Chardon, r&d

Dist. No. 7 Lawrence J. Guay, d; Donald F. Lamontagne, d&r

Dist. No. 8 Norman A. Brideau, d&r; Catherine M. Brungot, r; Yvonne Coulombe, d; Lucille A. Ottolini, d; Romeo J. Theriault, d; Elmer H. York, d

CRAFTON COUNTY

Dist. No. 1 Rita C. McAvoy, r; Kathleen W. Ward, r; Henry F. Whitcomb, r

Dist. No. 2 Philip H. Weymouth, r&d

Dist. No. 3 Edward Densmore, d&r

Dist. No. 4 Roger Stewart, r

Dist. No. 5 Paul I. LaMott, r&d; Ezra B. Mann, II, r&d

Dist. No. 6 Wayne D. King, d&r; Betty Jo Taffe, r

Dist. No. 7 Deborah L. Arnesen, d&r

Dist. No. 8 Richardson Blair, r; William J. Driscoll, r; V. Michael Hutchings, r&d

Dist. No. 9 Edward J. Bennett, r

Dist. No. 10 Bruce C. Rounds, r

Dist. No. 11 C. Dana Christy, r&d; Roger L. Easton, r; David M. Scanlan, r&d

Dist. No. 12 Mary P. Chambers, d; Elizabeth L. Crory, d; Michael B. King, d

Dist. No. 13 Pamela B. Bean, r; Joseph F. Duggan, r; Howard C. Townsend, r; Karen O. Wadsworth, r; Lorine Walter, r

HILLSBOROUGH COUNTY

Dist. No. 1 Joseph M. Eaton, r; Frank J. Sylvia, r&d

Dist. No. 2 Howard S. Humphrey, Sr., r

Dist. No. 3 Robert L. Hyman, r

Dist. No. 4 Roland A. Sallada, r

Dist. No. 5 Elizabeth A. Moore, r

Dist. No. 6 Paul R. August, r; George F. Jones, r; Alice Tirrell Knight, r; Marcel J. Martin, r; Aime H. Paradis, r

Dist. No. 7 Charles F. Bass, r; Robert H. Grip, r; Marian R. Harrington, r

Dist. No. 8 John E. Burns, r; Howard F. Mason, r

Dist. No. 9 Carol H. Holden, r&d; Elizabeth D. Lown, r&d; B. P. Smith, r&d; M. Arnold Wight, Jr., r

Dist. No. 10 Lester R. Perham, r; Bart Prestipino, r&d; Emma B. Wheeler, r&d; Kenneth T. Wheeler, Sr., r&d

Dist. No. 11 A. Leslie Burns, r; Mary J. Shriver, r; Richard C. Stonner, r; Anna S. Van Loan, r

Dist. No. 12 Nancy C. Hendrick, d

Dist. No. 13 Frederick G. Ahrens, r; Dennis H. Fields, r; Robert N. Kelley, r; Charles M. Nute, r; Geraldine G. Watson, r; Harold W. Watson, r

Dist. No. 14 Ellen-Ann Robinson, r

Dist. No. 15 Bonnie B. Packard, r

Dist. No. 16 Barbara A. Fried, r

Dist. No. 17 Clyde S. Eaton, r&d

Dist. No. 18 Gladys M. Cox, r; Frank N. Whittemore, r

Dist. No. 19 George A. Arris, r; Lionel R. Boucher, r; Doris R. Ducharme, r; Shawn N. Jasper, r; G. Philip Rodgers, r; Joan A. Wagner, d

Dist. No. 20 Robert Blanchette, Jr., r; Ralph S. Boutwell, r; Michael E. Jones, r

Dist. No. 21 Leonard A. Smith, r

Dist. No. 22 Audrey A. Carragher, r; Philip deG. Labombarde, r; Lucille T. Wood, r

Dist. No. 23 Germaine Y. Bourdon, r; Dennis C. Hogan, r; Stanley R. Vanderlosk, r

Dist. No. 24 Yvette L. Chagnon, r; Nancy M. Ford, r; Barbara B. Pressly, d&r

Dist. No. 25 David E. Cote, d; Donnalee M. Lozeau, r; Edward Jeffrey Newcombe, d&r

Dist. No. 26 Chris Jacobson, d; Ann M. Parmenter, d; William T. Pellow, r

Dist. No. 27 Betty Tamposi, r

Dist. No. 28 Patricia Janelle Donovan, d; Cecelia L. Winn, d; Peter J. Zis, d

Dist. No. 29 Robert R. Charron, r; Gabrielle V. Gagnon, d; Margaret L. McGlynn, d

Dist. No. 30 Wilfrid A. Boisvert, d; Maurice J. Levesque, d; Roland A. Morrisette, d

Dist. No. 31 Richard H. Duprey, r; Edmund M. Keefe, r; Mary S. Nelson, d&r

Dist. No. 32 Robert A. Durant, Sr., d

Dist. No. 33 Barbara E. Arnold, r; Marc A. Chretien, r; Lee Anne S. Steiner, r

Dist. No. 34 Norman A. Packard, r; Frances L. Riley, r; William A. Varkas, r

Dist. No. 35 Ann J. Bourque, d; Joanne A. O'Rourke, d; Harold M. Worthen, Jr., r

Dist. No. 36 Scott E. Green, r

Dist. No. 37 Bella Duperron, r; Toni Pappas, r; Judy E. Reardon, d

Dist. No. 38 Daniel J. Healy, d; Steven J. McCue, r

Dist. No. 39 Edward J. Crotty, d; Leona Dykstra, d&r; Mary J. Sullivan, d

Dist. No. 40 Robert E. Murphy, d

Dist. No. 41 John F. Clancy, d; Daniel J. Dwyer, d; Maureen E. Raiche, d

Dist. No. 42 Roland O. Beaupre; Nancy E. Bridgewater, r; James Herod, Jr., r

Dist. No. 43 Janet G. Barry, r; Wilfred Burkush, d; Judy L. Pariseau, r

Dist. No. 44 Edward G. Blais, r

Dist. No. 45 William G. Dion, d&r; Irene M. Messier, r; Frank J. Reidy, d
 Dist. No. 46 Catherine G. Lamy, d; Rudolph G. Paquette, d; Roland M. Turgeon, d
 Dist. No. 47 Suzanne T. Bernier, d; Richard G. Dupont, d
 Dist. No. 48 Jocelyne D. Champagne, d

MERRIMACK COUNTY

Dist. No. 1 Elizabeth S. Bardsley, r; James D. Phelps, r&d
 Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
 Dist. No. 3 James V. Bibbo, Jr., r; Walter K. Robinson, r
 Dist. No. 4 Joseph B. Bowes, r; Elizabeth S. Millard, r
 Dist. No. 5 C. William Johnson, r; Mary Ann Lewis, r; Irene J. Shepard, r; Peter M. Stio, r
 Dist. No. 6 Leo W. Fraser, Jr., r; James H. Pannell, r; Linwood A. Rogers, r
 Dist. No. 7 Edward J. Allgeyer, r; Eleanor M. Anderson, r; Thomas B. Connolly, r; George E. Gordon, III, r
 Dist. No. 8 Monte D. Rehlander, r; Louis A. Savaria, r
 Dist. No. 9 Laurent J. Boucher, r; Arthur J. Locke, r; Doris J. Riley, r
 Dist. No. 10 Robert M. Gilbreth, r; Margaret D. Roberts, r; James A. Whittemore, r
 Dist. No. 11
 Dist. No. 12 Eugene S. Daniell, Jr., d&r
 Dist. No. 13
 Dist. No. 14 James F. Kinhan, r
 Dist. No. 15
 Dist. No. 16 Caroline L. Gross, r
 Dist. No. 17 Francis D. Jelly, d
 Dist. No. 18 Mary Jane Wallner, d
 Dist. No. 19 Lee Ann Cailler, r
 Dist. No. 20 Gerald R. Smith, r
 Dist. No. 21 Richard A. Barberia, r; Milton A. Cate, r; James A. Chandler, r; Elizabeth Hager, r

ROCKINGHAM COUNTY

Dist. No. 1 Robert A. Johnson, r
 Dist. No. 2 John L. Sherburne, r
 Dist. No. 3 Russell G. Seward, r
 Dist. No. 4 Roger C. King, r
 Dist. No. 5 Richardson D. Benton, r; Harry E. Flanders, r; Henry E. Wells, r&d
 Dist. No. 6 Margaret A. Case, d; John Hoar, Jr., r; Stephen Sloan, r; Calvin Warburton, r
 Dist. No. 7 Geraldine S. Bangs, r; Leander W. Burdick, Jr., r; Janet M. Conroy, r; George Katsakiores, r; Phyllis H. Katsakiores, r; Virginia K. Lovejoy, r; Benjamin C. Newell, r; Conrad Quimby, r
 Dist. No. 8 Natalie S. Flanagan, r&d; Raymond H. Gourdeau, r&d
 Dist. No. 9 Alfred Ellyson, r; Richard L. Haynes, r; Annie Mae Schwaner, r; Peter M. Simon, r

Dist. No. 10 Warren F. Ames, Sr., r; Vincent J. Palumbo, r; David A. Welch, r
 Dist. No. 11 Gertrude I. Butler, r; William F. McCain, r
 Dist. No. 12 Patti Blanchette, d; Elizabeth M. Popov, d
 Dist. No. 13 Robert R. Blaisdell, r; Thomas U. Gage, r; John J. Kane, r; Harold F. Magoon, r; Arthur Tufts, r
 Dist. No. 14 Charles H. Felch, Sr., r; Joseph F. Titone, r
 Dist. No. 15 James R. Rosencrantz, d
 Dist. No. 16 Benjamin E. Moore, r
 Dist. No. 17 Beverly A. Hollingworth, d; Kenneth W. Malcolm, r&d; Ednapearl F. Parr, r&d; Roberta C. Pevear, r; E. Jane Walker, r&d
 Dist. No. 18 Robert B. Goss, r; Elizabeth A. Greene, r; Tom Longworth, r&d
 Dist. No. 19 Merino Romoli, Jr., r; W. Douglas Scamman, Jr., r
 Dist. No. 20 Marilyn R. Campbell, r; Michael F. Champoux, r; Victor E. Emanuelson, r; Bert H. Ford, r; Beverly A. Gage, r; Lynn Joslyn, r; Carol Ann Nagel, r; Bernard J. Raynowska, r; Donna P. Sytek, r; Elsie Vartanian, r
 Dist. No. 21 Ada L. Mace, r; Patricia M. Skinner, r
 Dist. No. 22 Robert P. Mason, Jr., r
 Dist. No. 23 William P. Boucher, r; Robert H. Day, r; Betsy McKinney, r; Rowland Schmidtchen, r; Matthew M. Sochalski, r; Vicki L. Stachowske, r
 Dist. No. 24 Rick G. Newman, d; Laura C. Pantelakos, d
 Dist. No. 25 Patricia Sanderson, r; John E. Splaine, d
 Dist. No. 26 MaryAnn N. Blanchard, d&r; Thomas P. Connors, Sr., d
 Dist. No. 27 Elaine S. Krasker, d; Charles L. Vaughn, d
 Dist. No. 28 Alberta Z. Clay, r; Joseph A. MacDonald, d; Norman Rogers, r

STRAFFORD COUNTY

Dist. No. 1 Timothy Bates, r; Warren L. Swope, r
 Dist. No. 2 Wayne Spear, Jr., r; Henry P. Sullivan, d&r
 Dist. No. 3 Joseph Diamant, d; George T. Musler, r
 Dist. No. 4 Beverley B. Bryant, d; Wayne M. Burton, d; James C. Chamberlin, r; Charles H. Dingle, r; Bruce Packard, d&r; Francis E. Robinson, r
 Dist. No. 5 Albert J. Dionne, d
 Dist. No. 6 Robert L. Jones, r; Joe B. Parks, r; Ann M. Torr, r; Franklin Torr, r&d; Robert L. Whiting, r
 Dist. No. 7 Mary E. Bernard, d; Helene R. Donnelly, d; Patricia A. Frew, d; William K. Kincaid, d

Dist. No. 8 Anita A. Flynn, d&r; Edward J. Flynn, d&r; Roland A. Frechette, d; Martin P. Lussier, d
 Dist. No. 9 Catherine O'Brien, d
 Dist. No. 10 Patricia H. Foss, r; Robert D. Hussey, r; Ronald R. Laurion, d; Paul G. Meader, r; Janet R. Pelley, d
 Dist. No. 11 James E. Appleby, r&d; Grant J. Berkey, r; Robert J. Callaghan, d; Ralph W. Torr, r

SULLIVAN COUNTY

Dist. No. 1 Merle W. Schotanus, r; Sara M. Townsend, r&d
 Dist. No. 2 John E. Call, r; Paul M. Johnson, r; Beverly T. Rodeschin, r
 Dist. No. 3 Constance M. Mehegan, r
 Dist. No. 4 Mildred S. Ingram, r
 Dist. No. 5 Irene C. Domini, r; Eric N. Lindblade, r
 Dist. No. 6 George F. Disnard, d&r; Roma A. Spaulding, r
 Dist. No. 7 Robert J. Brodeur, d; Carmine F. D'Amante, d
 Dist. No. 8 Cynthia W. McKee, r; Kurt Normandin, d
 Dist. No. 9 John B. Tucker, r&d

390 members having answered the call of the roll, a quorum was declared present.

Reps.-elect Bruce Rounds and Mary Chambers offered the following:

RESOLVED, that a committee of seven be appointed to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

Adopted.

The Chair appointed Reps.-elect Daniel Healy, Carmine D'Amante, Elizabeth Greene, Joseph Eaton, Annie Mae Schwaner, Anna Van Loan and Milton Cate.

RECESS

Governor John Sununu, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilor, Bernard Streeter, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Governor and Councilor retired.

The Chair declared that nominations for Temporary Chairman were in order.

Rep.-elect Tucker nominated Richard F. Upton of Concord as Temporary Chairman.

Rep.-elect Chambers seconded the nomination and moved that the Chair instruct the Assistant Clerk to cast one ballot for Richard Upton.

Adopted.

The Assistant Clerk cast one ballot for Richard Upton as Temporary Chairman and he was declared elected.

(Honorable Richard F. Upton in the Chair)

Reps.-elect Chambers, Healy and Tucker offered the following:

RESOLVED, that the following ground rules, as agreed to by the candidates for Speaker, be adopted for the election of House officers:

1. Access to the floor is limited to members-elect, nominees and a representative and such other officers and assistants as may be required by the Clerk and Sergeant-at-Arms.
2. Election of candidates is by secret ballot and requires a majority vote of those present and voting. Blanks shall not be considered a vote (Mason's Manual Sec. 516(a) Page 363). There is no elimination of the low candidate after any ballot. All candidates remain in the running unless they withdraw of their own volition.
3. Balloting:
 - a. Contested elections will be by secret ballot, booths to be available for those who desire. Ballots to be distributed to members only when all are seated. Except for the divisions in the process of voting, all members should remain seated. Tellers to deliver to the Clerk ballots for destruction.
 - b. Shall continue until an officer is chosen. Recesses, if requested, shall be limited to ten minutes duration unless amended by the body.
 - c. On each ballot the clerk will have printed, in alphabetical order, the name of each candidate with one blank line for write-in candidates.
4. Nominating and seconding speeches will be limited to 15 minutes total for all speeches. No other limitations will apply to these speeches. The order will be alphabetical.

The Clerk read the resolution.

Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Joseph Eaton placed the name of Rep. John Tucker in nomination for Speaker. Rep. Paul August seconded the nomination. Rep. Mary Chambers moved that the Chair instruct the Clerk to cast one ballot for Rep. John Tucker and spoke to her motion. Motion adopted.

The Chair declared Rep. John Tucker duly elected Speaker of the House.

(Speaker in the Chair)

The Speaker addressed the House briefly.

Thank you very much. I thank you all, it's very nice to be back. For a minute, Joe Eaton, I thought that Yogi Berra's

highly-polished intellectual observation of races and ball games, that "it ain't over 'til it's over" was going to come true. For a split moment I thought you were placing the name of Mary Chambers, the distinguished member from Etna, before the body, which left me very little time to regroup. I join with you Joe, in paying equal tribute to Mary Chambers. At this time, it gives me the honor to name her as the Minority Leader of the New Hampshire House of Representatives.

The Speaker declared nominations were in order for House Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. William Boucher placed the name of Carl A. Peterson of Londonderry in nomination for Clerk of the House.

Rep. Patricia Skinner seconded the nomination.

Rep. Elizabeth Greene placed the name of Andrea L. Lyons of Concord in nomination for Assistant Clerk.

Rep. Ezra Mann seconded the nomination.

Rep. James Bibbo placed the name of Warren W. Leary of Alton in nomination for Sergeant-at-Arms.

Rep. Margaret Ramsay seconded the nomination.

There being no other nominations, the Chair declared nominations closed and instructed the Assistant Clerk to cast one ballot for the nominees.

The Chair declared Mr. Peterson elected House Clerk; Mrs. Lyons elected Assistant Clerk and Mr. Leary elected Sergeant-at-Arms.

The Chair administered the oath of office to Mr. Peterson, Mrs. Lyons and Mr. Leary.

Rep. Rounds offered the following:

RESOLVED, that the House inform the Honorable Senate that it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and State Treasurer.

Adopted.

SENATE MESSAGE

The Senate has organized for the 1985-1986 Sessions of the Legislature by electing the following officers:

Vesta M. Roy, President
 Wilmont White, Clerk
 Gloria Randlett, Assistant Clerk
 Milo Cheney, Sergeant-at-Arms
 Emil Martineau, Doorkeeper

SENATE MESSAGE

The Senate is ready to meet with the Honorable House in Joint Convention for the purpose of electing a Secretary of State and State Treasurer.

RECESS

JOINT CONVENTION (Speaker presiding)

Governor John Sununu, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors, Raymond Burton, Peter Spaulding, Dudley Dudley, Louis Georgeopoulos and Bernard Streeter, and the named ladies and gentlemen, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives and Senate by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Governor and the Executive Council retired.

Sen. Stabile and Rep. Rounds offered the following:

RESOLVED, that all actions taken by the House and Senate since the House and Senate convened today, be by this resolution affirmed and ratified.

Adopted unanimously.

The Chair declared nominations were in order for Secretary of State.

Rep. Healy placed the name of William M. Gardner in nomination for Secretary of State.

Rep. Russell Chase seconded the nomination.

Sen. Hough seconded the nomination.

Rep. Rounds placed the name of Rep. Donna P. Sytek in nomination for Secretary of State.

Sen. Heath seconded the nomination.

Reps. Gross, Parr and Sara Townsend seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the tellers representing the candidates to tally the vote.

RECESS

284 members having voted for Mr. Cardner and 128 members having voted for Mrs. Sytek, the Chair declared Mr. Gardner duly elected Secretary of State.

Rep. Sytek moved that the vote for Mr. Gardner be made unanimous.

Adopted unanimously.

The Chair declared nominations were in order for State Treasurer.

Sen. McLane placed the name of Martha Custer in nomination for State Treasurer.

Reps. Benton and Michael King seconded the nomination.

Sen. Jean White placed the name of Georgie Thomas in nomination for State Treasurer.

Rep. Dickinson seconded the nomination.

Sen. Wiggins seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the tellers representing the candidates to tally the vote.

RECESS

193 members having voted for Mrs. Custer and 205 members having voted for Mrs. Thomas, the Chair declared Mrs. Thomas duly elected State Treasurer.

Sen. McLane moved that the vote for Mrs. Thomas be made unanimous.
Adopted.

The Chair administered the oath of office to Mr. Gardner and Mrs. Thomas.

Mr. Gardner and Mrs. Thomas addressed the House briefly.

On the motion of Sen. Stabile and Rep. Rounds, the Joint Convention arose.

HOUSE

(Speaker in the Chair)

The Speaker appointed Rep. Bruce Rounds Majority leader.

Reps. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the rules of the 1983 Session, with an amendment to Rule 32, with the provision that other amendments may be adopted by majority vote through a date in January to be decided on January 2, 1985.

Amendment

Amend the two introductory paragraphs of House Rule 32 by striking out said paragraphs and inserting in place thereof the following:

32. The following standing policy committees, to consist of not more than twenty-three members each, shall be appointed at the commencement of any session; Committees on Appropriations; Children, Youth and Elderly Affairs; Commerce, Small Business and Consumer Affairs; Constitutional and Statutory Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game; Health and Human Services; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Rules; Science and Technology; State-Federal Relations; State Institutions and Housing; Transportation; and Ways and Means.

A Committee on Rules shall be appointed at the commencement of any session, one of whose members shall be the Speaker.

Amend House Rule 32 by inserting after subsection (a) thereof the following new subsection:

(a-1) It shall be the duty of the Committee on Children, Youth and Elderly Affairs to consider matters relating to children and youth and elderly citizens, their rights, obligations and protection; matters relating to juveniles and the justice system; matters relating to the special needs of our elderly citizens and such other matters that may be referred to it.

Amend House Rule 32 by striking out subsection (b) and inserting in place thereof the following:

(b) It shall be the duty of the Committee on Commerce, Small Business and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions, insurance companies and contracts of insurance of any character, the needs of the small business community, all matters relating to consumer affairs and the economic conditions of commerce and industry as may be referred to it, and such other matters as may be referred to it.

Amend House Rule 32 by striking out subsection (c) and inserting in place thereof the following:

(c) It shall be the duty of the Committee on Constitutional and Statutory Revision to consider all matters concerning the Constitution, including proposed Constitutional Amendments and any proposals for revision of the Constitution, matters relating to the election laws of the state, the repeal or recodification of existing statutes and other matters relating to the statutes of the state, and such other matters as may be referred to it.

Amend House Rule 32 (h) by striking out in said subsection the words "Committee on Health and Welfare" and inserting in place thereof the following:

"Committee on Health and Human Services."

Amend House Rule 32 by striking out subsection (j) and inserting in place thereof the following:

(j) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration, matters relating to job retraining and employee rehabilitative services and other matters relating to the suitability of our work force to the needs of the industrial sector and such other matters as may be referred to it.

Amend House Rule 32 by striking out subsection (t) and inserting in place thereof the following:

(t) It shall be the duty of the Committee on State Institutions and Housing to consider all matters concerning the administration of the New Hampshire Hospital, New Hampshire State Prison, New Hampshire Youth Development Center, Glencliff Home for the Elderly, the Laconia State School and Training Center, the Soldiers' Home and State Library; matters relating to housing, landlord/tenant relations, lease provisions and such other matters as may be referred to it.

Amend House Rule 32 by striking out subsection (u) and redesignating subsections (a-l), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), and (t), to read as:
(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v) respectively.

Adopted.

Rep. Sara Townsend offered the following:

HOUSE RESOLUTION NO. 2

RESOLVED, that the Speaker appoint a committee of three to assign seats to the members.

Adopted.

Rep. Parr offered the following:

HOUSE RESOLUTION NO. 3

RESOLVED, that a committee of ten members, one from each county, be appointed by the Speaker to select some suitable person to act as Chaplain during the present session of the legislature and report such selection to the House for consideration.

Adopted.

Rep. Chardon offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk as corrected by the House shall be the official record of the House, and be it further

RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

Adopted.

Rep. Kidder offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such

stenographic and other clerical assistance as he may deem necessary. (RSA 17-E:5)

Adopted.

Rep. Rounds offered the following:

HOUSE RESOLUTION NO. 6

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House subcommittee of the Committee on Legislative Facilities, fix their compensation. (RSA 17-E:5)

Adopted.

Rep. Harold Burns offered the following:

HOUSE RESOLUTION NO. 7

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid into the state treasury and credited to the legislative appropriation.

Adopted.

Rep. LaMott offered the following:

HOUSE RESOLUTION NO. 8

RESOLVED, by the House of Representatives, that the Speaker after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on

legislative business on any day that a meeting of the House is cancelled, which is under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Rep. Sara Townsend offered the following:

HOUSE RESOLUTION NO. 9

RESOLVED, that members will be paid their Legislative salary as provided in the Constitution in the month of January, 1985, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

GUEST LIST

Alison White, wife of Rep. James J. White; Hilary and Christopher Bryant, Mrs. Kathleen O'Shea and Miss Mary Ellen O'Shea, children and guests of Rep. Bryant; Mary O'Donnell, sister of Rep. Nagel; Adam Moore and Donald Kessler, son and father of Rep. Elizabeth Moore; Norman and Kristine Burke, husband and daughter of Rep. Burke; Amy and Abby Simon, wife and daughter of Rep. Simon; William and Beverly Hounsell, father and mother of Sen. Mark Hounsell and Rep. William Hounsell, Carol and Abbee Hounsell, wife and daughter of Sen. Hounsell and Joshua Hounsell, son of Sen. Hounsell; former Representative Roland Belhumeur, guest of Rep. Kincaid.

Rep. Rounds moved that the House adjourn to meet next at 1:00 p.m. Wednesday, January 2, 1985

Adopted.

The House adjourned at 5:45 p.m.

COMMITTEE APPOINTMENTS

APPROPRIATIONS

REPUBLICAN

Kidder, William F., Chm.
 LaMott, Paul I., V. Chm.
 Scranton, Andrea A.
 Boucher, Laurent J.
 Kane, John J.
 Schmidtchen, Rowland H.
 Chase, Russell C.
 Gross, Caroline L., Clerk
 Miller, Jeffrey C.
 Steiner, Lee Anne S.
 Torr, Franklin
 Holbrook, Robert G.
 Spaulding, Roma A.
 Townsend, Howard C.
 Robinson, Ellen-Ann
 Burns, John E.
 Johnson, Robert A.

DEMOCRAT

King, Michael B.
 Matson, William R.
 Ramsay, Margaret A.
 Brideau, Norman A.
 Densmore, Edward
 O'Rourke, Joanne A.

CHILDREN, YOUTH AND ELDERLY AFFAIRS

REPUBLICAN

Scamman, W. Douglas, Jr., Chm.
 Wheeler, Emma B., V. Chm.
 Parr, Edna Pearl F.
 Shepard, Irene J.
 Tufts, Arthur
 Lovejoy, Virginia K., Clerk
 Watson, Geraldine G.
 Parker, Ralph
 Pannell, James H.
 Hager, Elizabeth
 Chagnon, Yvette L.
 Bean, Pamela B.
 Boucher, Lionel R.
 Moore, Elizabeth A.
 Parks, Joe B.
 Ridge, David A.
 Stachowske, Vicki L.

DEMOCRAT

Wallner, Mary Jane
 Newman, Rick G.
 Frink, Frederick T.
 Mayhew, Josephine
 Bourque, Ann J.
 Champagne, Joselyn D.

COMMERCE, SMALL BUSINESS
AND CONSUMER AFFAIRS

REPUBLICAN

Quimby, Conrad L., Chm.
 Burns, Harold W., V. Chm.
 Smith, B. P.
 Christy, C. Dana
 Allgeyer, Edward J.

Burns, A. Leslie
 Longworth, Tom
 Wood, Lucille T., Clerk
 Palumbo, Vincent J.
 Packard, Bonnie B.
 Rodgers, G. Philip
 Foss, Frederic A.
 Foss, Patricia H.
 Lindblade, Eric N.
 Pantzer, Eugene E.
 Pappas, Toni
 Varkas, William A.

DEMOCRAT

Crory, Elizabeth L.
 Guay, Lawrence J.
 Lamy, Catherine G.
 Sullivan, William J.
 Disnard, George F.
 Diamant, Joseph

CONSTITUTIONAL AND STATUTORY REVISION

REPUBLICAN

Eaton, Joseph M., Chm.
 Flanagan, Natalie S., V. Chm.
 Packard, Norman A.
 Walter, Lorine
 Newell, Benjamin C., Clerk
 Arris, George A.
 Stewart, Roger
 Fields, Dennis H.
 Locke, Matthew J.
 Gordon, George E., III
 Holden, Carol H.
 Shriver, Mary J.
 Riley, Frances L.

DEMOCRAT

O'Brien, Catherine
 Lussier, Martin P.
 Bryant, Beverley B.
 Lamontagne, Donald F.

EDUCATION

REPUBLICAN

Boucher, William P., Chm.
 Taffe, Betty Jo, V. Chm.
 Van Loan, Anna S.
 Keefe, Edmund M.
 Tufts, Arthur
 Davis, Jesse F.
 Mason, Howard F.
 Pearson, Ralph W.
 Kinhan, James F.
 Walker, E. Jane
 Robinson, Walter K.
 Domini, Irene C.
 Hounsell, William J.
 McKee, Cynthia W.
 Rehlander, Monte D.
 Sanderson, Patricia
 Wadsworth, Karen O.

DEMOCRAT

Winn, Cecelia L.
 Riley, William A.
 Nelson, Mary S.
 Case, Margaret A., Clerk
 Bolduc, Dennis R.
 Burton, Wayne M.

ENVIRONMENT AND AGRICULTURE

REPUBLICAN

Greene, Elizabeth A., Chm.
 Campbell, Marilyn R., V. Chm.
 Bowler, Barbara B.
 Pevear, Roberta C., Clerk
 Bowes, Joseph B.
 Torr, Ralph W.
 Johnson, Elmer L.
 Anderson, Eleanor M.
 Flanders, Harry E.
 Rogers, Linwood A.
 Sherburne, John L.
 Millard, Elizabeth S.
 Harrington, Malcolm W.
 Katsakiores, Phyllis H.
 Schotanus, Merle W.
 Shriver, Mary J.
 Whittemore, Frank N.

DEMOCRAT

Popov, Elizabeth M.
 O'Brien, Catherine
 Donovan, Patricia J.
 Dwyer, Daniel J.
 Newcombe, Edward J.
 Olimpio, J. Lisbeth

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

REPUBLICAN

Ward, Kathleen W., Chm.
 Watson, Harold W., V. Chm.
 Mace, Ada L.
 Ford, Nancy M.
 Dexter, Dean
 Holmes, Robert B., Jr.
 Hutchings, V. Michael
 Malcolm, Kenneth W.
 Bennett, Edward J.
 August, Paul R.
 Campbell, Richard H., Jr.
 Duperron, Bella
 McCain, William F.
 McCue, Steven J.
 Prestipino, Bart
 Schofield, Jack H.
 Torr, Ann M.

DEMOCRAT

Hendrick, Nancy C.
 King, Wayne D.
 Russell, Patricia T.
 Parmenter, Ann M.
 Pelley, Janet R., Clerk
 Rosencrantz, James R.

FISH AND GAME

REPUBLICAN

Riley, Doris J., Chm.
 Powers, Gerard E., Jr., V. Chm.
 Hussey, Robert D.
 Cate, Milton A.
 Smith, Gerald R., Clerk
 Chappell, Colon
 Crane, Clayton H.
 Lewis, Mary Ann
 Felch, Charles H., Sr.
 Call, John E.

Ford, Bert H.
 Jensen, Milton G.
 Magoon, Harold F.
 Perham, Lester R.
 Scanlan, David M.
 Birch, Clifford W.

DEMOCRAT

Pantelakos, Lauara C.
 Theriault, Romeo J.
 Brodeur, Robert J.
 Dionne, Albert J.
 Flynn, Anita A.
 Turgeon, Roland M.

HEALTH AND HUMAN SERVICES

REPUBLICAN

Sochalski, Matthew M., Chm.
 Carragher, Audrey A., V. Chm.
 Butler, Gertrude I.
 Appleby, James E.
 Knight, Alice Tirrell
 Holmes, Mary C., Clerk
 Joslyn, Lynn
 Hager, Elizabeth
 Roberts, Margaret D.
 Barry, Janet C.
 Clay, Alberta Z.
 Cox, Gladys M.
 Fraser, Leo W., Jr.
 Gilbreth, Robert M.
 Green, Scott E.
 Worthen, Harold M., Jr.
 Chase, Lawrence A., Jr.

DEMOCRAT

Copenhaver, Marion L.
 Daniell, Eugene S., Jr.
 MacDonald, Joseph A.
 Sullivan, Mary J.
 Ottolini, Lucille A.
 Wagner, Joan A.

JUDICIARY

REPUBLICAN

Sytek, Donna P., Chm.
 Bass, Charles F., V. Chm.
 Gage, Thomas U., Clerk
 Robinson, Francis E.
 Watson, Geraldine G.
 Duprey, Richard H.
 Johnson, Paul M.
 Jones, Michael E.
 Sylvia, Frank J.
 Jacobson, Alf E.
 Chretien, Marc A.
 Jasper, Shawn N.
 Johnson, C. William
 Lown, Elizabeth D.
 Lozeau, Donnalee M.
 Fellow, William T.
 Stonner, Richard C.

DEMOCRAT

Cote, David E.
 Eaton, Daniel A.
 Healy, Daniel J.
 Hollingworth, Beverly A.
 Raiche, Maureen E.
 Zis, Peter J.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

REPUBLICAN

Skinner, Patricia M., Chm.
 Nichols, Avis B., V. Chm.
 Romoli, Merino, Jr.
 Warburton, Calvin, Clerk
 Hawkins, Robert S.
 Simon, Peter M.
 Weymouth, Philip H.
 Walker, E. Jane
 Shepard, Irene J.
 Beaupre, Roland O.
 Charron, Robert R.
 Vanderlosk, Stanley R.
 Wells, Henry E.
 Young, David A.

DEMOCRAT

Burkush, Wilfred
 Connors, Thomas P., Sr.
 McGlynn, Margaret L.
 Reidy, Frank J.
 Splaine, John E.

LEGISLATIVE ADMINISTRATION

REPUBLICAN

Chandler, James A., Chm.
 Ahrens, Frederick G., V. Chm.
 Boucher, Laurent J., Clerk
 Rounds, Bruce C.
 Taffe, Betty Jo
 Benton, Richardson D.
 Burns, Harold W.
 LaMott, Paul I.
 Boucher, William P.
 Gage, Beverly A.
 Flanagan, Natalie S.
 Gordon, Irvin H.
 Meader, Paul G.
 Miller, Jeffrey C.
 Watson, Harold W.
 Joslyn, Lynn
 Kelley, Robert N.

DEMOCRAT

Eaton, Daniel A.
 Healy, Daniel J.
 Matson, William R.
 Krasker, Elaine S.
 Lamy, Catherine G.

MUNICIPAL AND COUNTY GOVERNMENT

REPUBLICAN

Mann, Ezra B., II, Chm.
 Gage, Beverly A., V. Chm.
 King, Roger C.
 Day, Robert H.
 Perry, David M.
 Paradis, Aime H.
 Golden, Paul A.
 Grodin, Richard A.
 McIntire, Frank E.
 Morse, JoAnn T., Clerk
 Wheeler, Kenneth T., Sr.
 Brungot, Catherine M.
 Bates, Timothy

Ducharme, Doris R.
 Goss, Robert B.
 West, George M.
 Jones, George F.

DEMOCRAT

Cronin, Lawrence
 Sullivan, Henry P.
 Normandin, Kurt A.
 Dupont, Richard G.
 Dykstra, Leona
 Callaghan, Robert J.

PUBLIC PROTECTION AND VETERANS AFFAIRS

REPUBLICAN

Benton, Richardson D., Chm.
 Ames, Warren F., Sr., V. Chm.
 Ellyson, Alfred
 Locke, Arthur J., Clerk
 Fields, Dennis H.
 Musler, George T.
 Blais, Edward G.
 Bourdon, Germaine Y.
 Herod, James, Jr.
 Riley, Frances L.
 Titone, Joseph F.
 Welch, David A.
 Young, David A.
 Hyman, Robert L.
 Barberia, Richard A.

DEMOCRAT

Dionne, Albert J.
 Paquette, Rudolph G.
 Morrisette, Roland A.
 Clancy, John F.

PUBLIC WORKS

REPUBLICAN

Bibbo, James V., Jr., Chm.
 Walter, Lorine, V. Chm.
 Stio, Peter M.
 Ingram, Mildred S.
 Chamberlin, James C., Clerk
 Driscoll, William J.
 Ashnault, Paul O.
 Nute, Charles M.
 Chandler, Gene G.
 White, James J.
 Chandler, James A.
 Berkey, Grant J.
 Keans, Sandra B.
 Marsh, Beaton
 Rogers, Norman
 Secord, Robert P.
 Swope, Warren L.

DEMOCRAT

Hollingworth, Beverly A.
 Kincaid, William K.
 Levesque, Maurice J.
 Murphy, Robert E.
 Jacobson, Chris
 Disnard, George F.

REGULATED REVENUES

REPUBLICAN

MacDonald, Kenneth J., Chm.
 Kelley, Robert N., V. Chm.
 Horton, Lynn C.
 Humphrey, Howard S., Sr.
 Eaton, Clyde S.
 Mason, Robert P., Jr., Clerk
 Blaisdell, Robert R.
 Phelps, James D.
 Simon, Peter M.
 McAvoy, Rita C.
 Nagel, Carol Ann
 Burley, Helen C.
 Cailler, Lee Ann
 Delano, Robert F.
 McKinney, Betsy
 Moore, Benjamin E.
 Thompson, Dale E.

DEMOCRAT

Bernard, Mary E.
 Blanchette, Patti
 D'Amante, Carmine F.
 Dion, William G.
 Gagnon, Gabrielle V.
 Reardon, Judy E.

RESOURCES, RECREATION AND DEVELOPMENT

REPUBLICAN

Meador, Paul G., Chm.
 Dickinson, Howard C., Jr., V. Chm.
 Schwaner, Annie Mae
 Chardon, Phoebe A.
 Lewis, Mary Ann, Clerk
 Burdick, Leander W., Jr.
 Bardsley, Elizabeth S.
 Blair, Richardson
 Dingle, Charles H.
 Woodward, Douglas R.
 Whitemore, James A.
 Mehegan, Constance M.
 Bangs, Geraldine S.
 Seward, Russell G.
 Messier, Irene M.
 Conroy, Janet M.
 Spear, Wayne, Jr.

DEMOCRAT

Blanchard, MaryAnn N.
 Hendrick, Nancy C.
 Coulombe, Yvonne
 Bernier, Suzanne T.
 Schwartz, Susan
 Vaughn, Charles L.

RULES

REPUBLICAN

Tucker, John B., Chm.
 Rounds, Bruce C., V. Chm.
 Townsend, Sara M.
 Chardon, Phoebe A.
 Burns, Harold W.
 Meador, Paul G.

DEMOCRAT

Chambers, Mary P.
 Krasker, Elaine S.

SCIENCE AND TECHNOLOGY

REPUBLICAN

Wight, M. Arnold, Jr., Chm.
 Randall, Kenneth A., V. Chm.
 Smith, Leonard A.
 Newell, Benjamin C.
 Arris, George A.
 Easton, Roger L., Clerk
 Birch, Clifford W.
 Arnott, William
 Barberia, Richard A.
 Gourdeau, Raymond H.
 Hogan, Dennis C.
 Hyman, Robert L.

DEMOCRAT

King, Wayne D.
 Flynn, Edward J.
 Frechette, Roland A.
 Vaughn, Charles L.

STATE-FEDERAL RELATIONS

REPUBLICAN

Parr, Ednapearl F., Chm.
 Chardon, Phoebe A., V. Chm.
 Townsend, Sara M.
 Rounds, Bruce C.
 Quimby, Conrad L.
 Skinner, Patricia M., Clerk
 Sytek, Donna P.
 Kidder, William F.
 Ward, Kathleen W.
 Bibbo, James V., Jr.
 Vartanian, Elsie
 Carragher, Audrey A.
 Sochalski, Matthew M.
 Tucker, John B.

DEMOCRAT

Blanchette, Patti
 Chambers, Mary P.
 King, Michael B.
 Krasker, Elaine S.
 Russell, Patricia T.

STATE INSTITUTIONS AND HOUSING

REPUBLICAN

Vartanian, Elsie, Chm.
 Parker, Ralph, V. Chm.
 Savaria, Louis A.
 Boutwell, Ralph S.
 Fried, Barbara A., Clerk
 Townsend, Sara M.
 Arnold, Barbara E.
 Jones, Robert L.
 Bridgewater, Nancy E.
 Messier, Irene M.
 Pariseau, Judy L.
 Blanchette, Robert, Jr.
 Brough, Norman R.
 Champoux, Michael F.
 McAvoy, Rita C.
 Martin, Marcel J.
 Raynowska, Bernard J.

DEMOCRAT

Pressly, Barbara B.
 Riley, William A.
 Arnesen, Deborah L.
 Frew, Patricia A.
 Jelley, Francis D.
 Laurion, Ronald R.

TRANSPORTATION

REPUBLICAN

Gordon, Irvin H., Chm.
 Pearson, Ralph W., V. Chm.
 Katsakiores, George N.
 Sloan, Stephen
 Whiting, Robert L.
 Cate, Milton A.
 Labombarde, Philip deG.
 Hoar, John, Jr.
 Emanuelson, Victor E.
 Haynes, Richard L.
 Stewart, Roger, Clerk

DEMOCRAT

Crotty, Edward J.
 York, Elmer H.
 Lamontagne, Donald F.
 Turgeon, Roland M.

WAYS AND MEANS

REPUBLICAN

Tamposi, Betty, Chm.
 Jones, Robert L., V. Chm.
 Sallada, Roland A.
 Ahrens, Frederick G.
 Zeckhausen, Barbara T.
 Hardy, Earle D.
 Arnold, Barbara E.
 Grip, Robert H.
 Saunders, Howard N.
 Duggan, Joseph F.
 Harrington, Marian R., Clerk
 Whitcomb, Henry F.
 Kohl, Floyd A.
 Brown, Russell M.
 Connolly, Thomas B.
 Hayes, Robert C.
 Rodeschin, Beverly T.

DEMOCRAT

Donnelly, Helene R.
 Pressly, Barbara B.
 Boisvert, Wilfrid A.
 Blacketor, Paul G.
 Packard, Bruce
 Durant, Robert A., Sr.

REPUBLICAN FLOOR LEADERS

John B. Tucker, Chairman
 Harold W. Burns, Vice Chairman

Ex Officio:

Bruce C. Rounds, Majority Leader
 Sara M. Townsend, Majority Whip
 Phoebe A. Chardon, Assistant Majority Leader

Caroline L. Gross	Timothy Bates
Ednapearl F. Parr	Warren F. Ames, Sr.
Vincent J. Palumbo	Lorine M. Walter
Natalie S. Flanagan	James D. Phelps
Betty Jo Taffe	Leander W. Burdick
Eleanor M. Anderson	Kenneth A. Randall
Ann M. Torr	Barbara E. Arnold
Gerard E. Powers, Jr.	Ralph W. Pearson
Lynn Joslyn	Robert H. Grip
Francis E. Robinson	Leslie A. Burns
Peter M. Simon	

DEMOCRATIC FLOOR LEADERS

Mary P. Chambers, Minority Leader
 William R. Matson, Deputy Minority Leader
 Elaine S. Krasker, Minority Whip
 Michael B. King, Assistant Minority Whip

Assistant Minority Leaders

Joseph A. MacDonald
 Albert J. Dionne
 Joanne A. O'Rourke
 Cecelia L. Winn

HOUSE JOURNAL 2

Wednesday, 2 Jan 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

For a new day, a New Year, a new Session, we give You thanks, O God. Help us to get started on the right foot. Forgive us for thinking that by passing one-hundred laws we can improve on Your Ten.

Calm the anxieties of the freshmen among us, sensitize the hearts of the veterans, that a unity can be built for the development of sound leadership for our State. Guide our efforts to produce just and fair legislation for all our citizens. Amen.

Reps. Rounds and Chambers led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Daniell, Wagner, Perry, Connors, Bert Ford and Rep.-elect Lawrence Chase, the day illness.

Reps. Patricia Russell, Phelps, Nagel, Rodgers, Newman, Diamant and Morrisette and Rep.-elect. Mary Holmes, the day, important business.

INTRODUCTION OF GUESTS

John Conroy, husband of Rep. Conroy; Mrs. Bernard W. Tucker and Mrs. Roy Parmalee, mother and cousin of the Speaker; Mrs. Mary Ann Wilson, guest of Rep. Nelson; Mrs. Bonnie Riley and Lady Torphichen, guests of Rep. William Riley; Rochester Spaulding Jr. High School students and their teacher Ms. Gouzoules, guests of Rep. Romoli.

COMMUNICATIONS

Carl A. Peterson
House Clerk

Dear Mr. Peterson:

This is to advise you that the following representative-elect appeared before the Governor and Executive Council on December 13, 1984 and was sworn into office:

Merrimack County District No. 11 (Wakefield)
Eugene E. Pantzer, r, Northfield (R 1,
Franklin) 03235

Sincerely,
William M. Gardner
Secretary of State

Carl A. Peterson
House Clerk

Dear Mr. Peterson:

This is to advise that the following representatives-elect appeared before the Governor and Council on this date (December 27) and were sworn into office:

Hillsborough County District No. 38
(Manchester-Ward 5) Lawrence Cronin, d,
Manchester (598 Spruce Street) 03103

Merrimack County District No. 15
(Concord-Ward C) Robert C. Hayes, r, Concord
(14 Ridge Road) 03301

Merrimack County District No. 21
(Concord-Wards A-H) George M. West, r,
Concord (4 Glen Street) 03301

Rockingham County District No. 18 (New
Castle, North Hampton, Rye) Douglas R.
Woodward, r, New Castle (P.O. Box 19) 03854

Sincerely,
William M. Gardner
Secretary of State

CONTESTED ELECTIONS

Carl A. Peterson
House Clerk

Dear Mr. Peterson:

I challenge the election of Charles Henry Felch as representative from Seabrook District 14 because I do not feel the vote reported by the local officials is the true vote. I am enclosing a copy of a letter I am sending by certified mail to Charles Felch. I hope you will refer this letter to the appropriate committee.

Sincerely,
Robert Cushing, Jr.

Carl A. Peterson
House Clerk

Dear Mr. Peterson:

In accordance with RSA 660:18, I notify you that I am contesting the November 6, 1984 election for Rockingham District 16, Representative.

Enclosed please find the letter that I have sent to Benjamin E. Moore.

Respectfully,
Ellen M. Cressy

Having met the statutory requirements, the matter was referred to the Subcommittee on Elections.

Reps. Rounds and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 1:20 p.m. for the purpose of canvassing the votes for Governor and Councilors.

Adopted.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 6 through 24, 26, 27, and 101-159 and House Concurrent Resolution number 1 and Concurrent Resolution Proposing Constitutional Amendments numbered 1, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

HCR and CACR

First, second reading and referral

HB 6, prohibiting paramilitary training and activity. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 7, relative to the rule making authority of the adjutant general of the New Hampshire national guard. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 8, prohibiting bail pending appeal for persons convicted of certain offenses. (Flanagan of Rockingham Dist. 8 - To Judiciary)

HB 9, relative to the eminent domain powers of housing authorities. (Quimby of Rockingham Dist. 7; Felch of Rockingham Dist. 14 - To State Institutions and Housing)

HB 10, relative to police presence at public meetings or functions. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 11, relative to the national guard scholarship fund. (Benton of Rockingham Dist. 5; Boyer of Dist. 13 - To Public Protection and Veterans Affairs)

HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 13, relative to the office of combined town clerk-town tax collector. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 14, relative to the lien for taxes due under the interest and dividends tax. (Jacobson of Merrimack Dist. 2 - To Ways and Means)

HB 15, relative to the consolidation of cemetery trust funds into a common trust fund and the appropriate method of accounting for such fund. (Bangs of Rockingham Dist. 7 - To Municipal and County Government)

HB 16, raising the amount from \$500 to \$1,000 that must be reported by political committees and political candidates. (Sullivan of Hillsborough Dist. 39 - To Constitutional and Statutory Revision)

HB 17, relative to requirements for the execution and probate of wills. (Daniell of Merrimack Dist. 12 - To Judiciary)

HB 18, relative to the enforcement of zoning ordinances. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 19, requiring the singing of the national anthem at the commencement of the regular legislative session. (Ingram of Sullivan Dist. 4; Young of Cheshire Dist. 1;

Burkush of Hillsborough Dist. 43; Dion of Hillsborough Dist. 45; Chase of Carroll Dist. 6; Knight of Hillsborough Dist. 6; Fields of Hillsborough Dist. 13; McCain of Rockingham Dist. 11; E. Wheeler of Hillsborough Dist. 10 - To Legislative Administration)

HB 20, relative to the implied consent of testing of boat operators on public waters. (Ames of Rockingham Dist. 10; Benton of Rockingham Dist. 5; Fields of Hillsborough Dist. 13; Musler of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 21, relative to filing with school district clerks. (Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for 2 years. (Smith of Merrimack Dist. 20; Wiggins of Dist. 8 - To Fish and Game)

HB 23, relative to penalties for violations in connection with the taking of marine species. (Pantelakos of Rockingham Dist. 24 - To Fish and Game)

HB 24-FN, permitting a county executive committee to hire an executive assistant. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 26, establishing a department of libraries and cultural affairs. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 27, establishing a department of education. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 101-FN, relative to sunset review of small loan and vehicle finance. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 102-FN, relative to sunset review of the daily number game. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 103-FN, relative to sunset review of the sweepstakes commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 104-FN, relative to sunset review of the pari-mutuel commission. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 105-FN, relative to sunset review of general services and administration. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 106-FN, relative to sunset review of the office of state negotiator. (Watson of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 107-FN, relative to sunset review of the environmental protection division. (Bass of Hillsborough Dist. 7 - Judiciary)

HB 108-FN, relative to sunset review of personnel department, administrative support division. (Watson of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 109-FN, relative to sunset review of the division of vocational technical education. (Taffe of Grafton Dist. 6 - To Education)

HB 110-FN, relative to sunset review of the division of vocational rehabilitation. (Taffe of Grafton Dist. 6 - To Education)

HB 111-FN, relative to sunset review of vocational rehabilitation-social security programs. (Taffe of Grafton Dist. 6 - To Education)

HB 112-FN, relative to sunset review of port authority. (Pearson of Belknap Dist. 5 - To Transportation)

HB 113-FN, relative to sunset review of vocational rehabilitation. (Taffe of Grafton Dist. 6 - To Education)

HB 114-FN, relative to sunset review of vocational rehabilitation education programs. (Taffe of Grafton Dist. 6 - To Education)

HB 115-FN, relative to sunset review of the veterans council. (Ames of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HB 116-FN, relative to sunset review of estimated revenue. (Walter of Grafton Dist. 13 - To Public Works)

HB 117-FN, relative to sunset review of operations and maintenance. (Walter of Grafton Dist. 13 - To Public Works)

HB 118-FN, relative to sunset review of division of legal counsel. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 119-FN, relative to sunset review of program operations region 1. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 120-FN, relative to sunset review of Saco watershed commission. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 121-FN, relative to sunset review of central New Hampshire turnpike operation. (Walter of Grafton Dist. 13 - To Public Works)

HB 122-FN, relative to sunset review of division of criminal justice. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 123-FN, relative to sunset review of program operations region 3. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 124-FN, relative to sunset review of aeronautics commission administration and support. (Pearson of Belknap Dist. 5 - To Transportation)

HB 125-FN, relative to sunset review of pari-mutuel laboratories. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 126-FN, relative to sunset review of state office administration. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 127-FN, relative to sunset review of senior recreation. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 128-FN, relative to sunset review of grants to locals. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 129-FN, relative to sunset review of division of public health services. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)

HB 130-FN, relative to sunset review of third party grants. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 131-FN, relative to sunset review of urban mass transportation authority. (Pearson of Belknap Dist. 5 - To Transportation)

HB 132-FN, relative to sunset review of parks and recreation. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 133-FN, relative to sunset review of estimated revenue. (Walter of Grafton Dist. 13 - To Public Works)

HB 134-FN, relative to sunset review of state overhead charge. (Walter of Grafton Dist. 13 - To Public Works)

HB 135-FN, relative to sunset review of forestry and land resources. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 136-FN, relative to sunset review of the northeastern forest fire protection commission. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 137-FN, relative to sunset review of the New Hampshire network. (Taffe of Grafton Dist. 6 - To Education)

HB 138-FN, relative to sunset review of game resources. (Powers of Carroll Dist. 5 - To Fish and Game)

HB 139-FN, relative to sunset review of central New Hampshire turnpike maintenance. (Walter of Grafton Dist. 13 - To Public Works)

HB 140-FN, relative to sunset review of turnpikes administration overhead. (Walter of Grafton Dist. 13 - To Public Works)

HB 141-FN, relative to sunset review of the office of waste management. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 142-FN, relative to sunset review of agricultural regulations program. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 143-FN, relative to sunset review of the division of animal industry. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 144-FN, relative to sunset review of the New Hampshire municipal bond bank. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 145-FN, relative to sunset review of Maine-New Hampshire commission on oceanography. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 146-FN, relative to sunset review of the New Hampshire distributing agency. (Watson of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 147-FN, relative to sunset review of economic development. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 148-FN, relative to sunset review of industrial development authority. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 149-FN, relative to sunset review of the extension work in counties. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 150-FN, relative to sunset review of central New Hampshire turnpike debt service. (Walter of Grafton Dist. 13 - To Public Works)

HB 151-FN, relative to sunset review of program operations region 5. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 152-FN, relative to sunset review of travel for action. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 153-FN, relative to sunset review of division of consumer protection and land disclosure. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 154-FN, relative to sunset review of eminent domain and public works and highways. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 155-FN, relative to sunset review of the governor's commission for the handicapped. (Carragher of Hillsborough Dist. 22 - To Health and Human Services)

HB 156-FN, relative to sunset review of program operations region 6. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 157-FN, relative to sunset review of agricultural resources. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 158-FN, relative to sunset review of training education. (Ames of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HB 159-FN, relative to sunset review of adjutant general maintenance preparation force. (Ames of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect. (Warburton of Rockingham Dist. 6 - To Constitutional and Statutory Revision)

CACR 1, relating to the amount in controversy for the right to a jury trial in civil cases. Providing that the amount in controversy for the right to a jury trial must exceed \$2,500. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To Constitutional and Statutory Revision)

Reps. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 10

fixing January 29, 1985 as the date through which House Rules may be amended by majority vote.

WHEREAS, the House voted on December 5, 1984, to adopt the Rules of the 1983 Session on a temporary basis and that it would fix the date through which amendments could be made by majority vote on the day (January 2), now therefore be it

RESOLVED, that the rules of the House may be amended by majority vote through January 29, 1985.

Adopted.

Reps. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 11

designating Friday, January 25, 1985 as the deadline for the filing of drafting requests.

WHEREAS, the membership deems it necessary to assure a smooth work flow and prevent forced and hasty consideration of legislation, now therefore be it

RESOLVED, that Friday, January 25, 1985, be the last day for members to file drafting requests by title with the Office of Legislative Services.

Adopted.

Reps. Rounds and Chambers offered the following:

HOUSE RESOLUTION NO. 12

adopting joint rules for the 1985 session.

RESOLVED, by the House of Representatives, that the House Rules Committee meet with the Senate Rules Committee for the purpose of drafting 1985 Joint Rules for the 1985 session.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Councilors.

RECESS

JOINT CONVENTION (Speaker presiding)

Sen. Stabile and Rep. Rounds offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

Adopted.

William M. Gardner, Secretary of State, appeared before the Joint Convention and reported the returns of votes for Governor and Councilors cast in the General Election held November 6, 1984, as follows:

FOR GOVERNOR

	<u>Sununu</u>	<u>Spirou</u>
Belknap	12,994	5,879
Carroll	12,073	3,565
Cheshire	13,560	10,902
Coos	9,601	4,510
Grafton	18,655	8,238
Hillsborough	80,034	31,973
Merrimack	25,528	16,045
Rockingham	55,881	26,835
Strafford	19,296	13,818
Sullivan	<u>8,949</u>	<u>5,391</u>
TOTALS	256,571	127,156

John H. Sununu having a plurality of 129,415 votes, was elected Governor.

FOR COUNCILORS

First District:

Raymond S. Burton, r&d 74,598

Second District:

Peter J. Spaulding, r 45,077
Gordon R. Blakeney, Jr., d 23,597

Plurality for Spaulding 21,480

Third District:

William P. Cahill, d 42,691
Michael Cornelius, d 29,006

Plurality for Cahill 13,685

Fourth District:

Louis J. Georgopoulos, r 45,494
C. Edward Bourassa, d 23,353

Plurality for Georgopoulos 22,141

Fifth District:

Bernard A. Streeter, Jr., r 66,704

Sen. Stabile and Rep. Rounds offered the following:

RESOLVED, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.
Adopted.

The Chair appointed Reps. Healy, and D'Amante and Sen. Blaisdell.

Sen. Stabile and Rep. Rounds moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE
(Speaker in the Chair)

Reps. LaMott and Mann, for the Grafton County Delegation, offered the following:

HOUSE RESOLUTION NO. 14

memorializing Edwin P. Chamberlin of Bath.

WHEREAS, Edwin P. Chamberlin served six terms in the New Hampshire House of Representatives between 1949 and 1966 during which time he faithfully served the voters of Grafton County, and

WHEREAS, Edwin P. Chamberlin distinguished himself as a leader and an articulate member of the Standing Committees for Agriculture; Education; and Executive

Departments and Administration, and
WHEREAS, Edwin P. Chamberlin, with concern, devotion and fidelity, served the residents of Bath for 25 years as a Selectman, and for 24 years as a member of the Woodsville District School Board, and

WHEREAS, Edwin P. Chamberlin lived his entire life in the community of Bath, having been born there on December 20, 1896 and having died there on November 15, 1984, and

WHEREAS, he demonstrated an abundance of community spirit and brotherhood by his life-long memberships with the Board of Trade, the local Fire Department, the Methodist Men's Club, Grange, Masons and Oddfellows, now therefore be it

RESOLVED, by the House of Representatives, that Edwin P. Chamberlin's outstanding record of achievement and public service be acknowledged, commended and publicly recognized, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Reps. LaMott and Mann, for the Grafton County Delegation, offered the following:

HOUSE RESOLUTION NO. 15

memorializing former Representative Norman A. McMeekin of Haverhill.

WHEREAS, Norman A. McMeekin enjoyed a long and distinguished career as a respected and accomplished legislator who faithfully served the voters of Grafton County for 11 terms in the New Hampshire House of Representatives and for three terms in the New Hampshire Senate, and

WHEREAS, Norman A. McMeekin was known for more than a decade by his fellow legislators as "The Parliamentarian of the House," and

WHEREAS, being respected for his leadership and legislative wisdom, Norman A. McMeekin served as Speaker of the House for the special session of 1954, and as Senate Majority Floor Leader for the regular session of 1955-56, and as House Majority Floor Leader for the regular session of 1957-58, and

WHEREAS, Norman A. McMeekin earned the confidence and admiration of his colleagues by being an articulate and attentive member for more than 25 years as a member of the Standing Committees on Appropriations; Elections; Executive Departments and Administration; Judiciary; Public Health; Rules and Statutory Revision, and

WHEREAS, Norman A. McMeekin, with unselfish devotion, served his community well throughout his adult life, including 25 years as Haverhill Town Moderator, 15 years as Woodsville Fire District Moderator, and five years as Woodsville School District Moderator, and

WHEREAS, his life was productive and long, having been born in Newbury, Vermont on October 8, 1891 and having died in New London, Connecticut on January 18, 1984, now therefore be it

RESOLVED, by the House of Representatives, that Norman A. McMeekin's outstanding record of public service receive highest commendation and recognition, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

UNANIMOUS CONSENT

Rep. Russell Chase addressed the House by unanimous consent.

The Speaker addressed the House briefly.

Today, January 2, 1985, we stand poised at the start of a new legislative session and a new year. Like all new years and like all new sessions, it holds the promise of great challenge and great reward. It is up to us, those of us chosen by the people, to see that the challenges are met and that the ultimate beneficiaries of our successes are the citizens of New Hampshire.

One thing we can be sure about even before we start the session in earnest, is that it will be remembered as an historic one. This will be the first year this century in which the general court will meet in annual session. It will be remembered as the session in which a record number of women were elected to the House, creating a new record in numbers and percentages, for women legislators throughout the nation. It will also mark the greatest Republican majority in the House since the turn of the century. A majority which brings with it not only great authority, but great responsibility as well.

The session which we begin today will also be remembered as a time of fruition, a time when many of the initiatives of past sessions reached their final stages or were ready for evaluation.

During the years of my tenure as Speaker, the House and the General Court have launched initiatives aimed at addressing in an ordered and reasoned way issues vital to the interests of the people of our state.

We have moved forward on reorganizing the Executive Branch, on overhauling our antiquated mental health system, on ensuring that our educational and vocational-technical systems are responsive to the needs of the twenty-first century. We have established a Sunset Process to review state agencies and departments. We have launched a study on completing an east-west highway link in the state, on establishing a Connecticut River Valley Authority and we have begun the work of protecting and preserving our vital water resources.

These and other initiatives have marked the resurgence of activism in the Legislative Branch. They mark the General Court's commitment to the careful, long-term study of issues affecting the lives of our citizens. A commitment to take the initiative and identify potential problems

before they take on crisis proportions. A commitment to action rather than reaction.

Perhaps the most important business we have yet to complete is the one upon which we have worked the longest: the reorganization of State Government. When the Legislature created the Select Committee on Executive Branch Reorganization back in 1981, it was with an eye toward making government more manageable, more accessible and more efficient. The report of that committee became the Executive Branch Reorganization Act of 1983, an affirmation of the General Court's resolve to move forward on reorganization.

Using the blueprint provided by this act, we have already created a Department of Administrative Services, and a Department of Corrections as well as a Division of Children and Youth within the Department of Health and Welfare. As 1985 unfolds we will move forward to place all state agencies into a manageable number of like departments, accountable to the Governor and easily accessible to the people of New Hampshire.

During my first term as Speaker, the Legislature also funded a Fiscal Committee Study of Combining New Hampshire Hospital and the Glencliff Home for the Elderly into one modern, centrally located facility. I went on to propose that we include the Laconia State School in the study and that we explore a possible connection between the new facility and Dartmouth Medical School.

Today we are on the threshold of a new era in mental health care in New Hampshire.

We are on the verge of constructing a modern new facility here in Concord as part of a Comprehensive Mental Health Network which many believe will serve as a model for other state mental health programs across the country. As we begin this session the State Division of Mental Health is now entering into exploratory agreements with Concord Hospital and Dartmouth Medical School for the facility's operation.

Another public issue which I believe we are duty bound to address this session is education. A strong educational system at all levels is our surest guarantee for continued economic well-being. I am determined to make education priority number one in 1985, particularly by making strides forward in funding Foundation Aid. This summer I proposed that the state assume an eight-cents-per-pack federal cigarette tax due to expire this year. By doing so, new Hampshire would realize about 16 million dollars in new revenues each year which I believe should be made available for Foundation Aid. My proposal has gained the support of educational groups and organizations throughout the state, and it will be before the Legislature this session.

During the last session I presented the House Education Committee with the New England Board of Education's "Threat to Excellence" Report. I directed the committee to treat the report as if it were a bill, to break it down into its component parts; to hold hearings on those parts and use the report as a gauge by which to measure the strengths and weaknesses of New Hampshire's System of Higher Education. The result of this interim work will be before

us in 1985 in the form of a Comprehensive Higher Education bill. This bill will address in an ordered way what the Education Committee has determined to be the potential weaknesses in our Public Post Secondary System.

The State's New Autonomous Post Secondary Vocational-Technical School System is another area of education which we should continue to monitor. Before the 1983 session I set as one of my goals the creation of an Autonomous System. I am proud that that goal was realized. In 1985, it will be necessary to evaluate precisely how that system is working. To determine what progress is being made in educating our young people to meet the needs of business and industry for skilled workers. To judge what changes might be necessary to ensure the long-term success of the system.

As we begin the 1985 session, so too do we enter the final cycle Sunset Process and its review of state boards, commissions, and agencies. Since my first term as Speaker in 1981, we have examined and judged fit for recreation one-third of state agencies each session. This year the final third is up for review. I believe it will be an appropriate time to evaluate the entire process and determine its future role in New Hampshire State Government.

We will also act to more directly assist our citizens by taking measures to improve the state's economic environment.

Tourism is a vital industry in New Hampshire.

The State Parks are celebrating their 50th anniversary.

We should use a portion of the surplus for a one-time expenditure to bring state parks deferred maintenance up to a high quality. And, thus, further promote the state parks which will result in a payback of investment.

The economic vitality of New Hampshire is sound.

This is reflected in our expected budget surplus.

We should be prudent in how the surplus is approached.

We should avoid ongoing commitments funded by a one-time windfall. The Executive Branch recommended guidelines of a 3% to 5% increase in department appropriations for the next biennium that is a fair reflection of our current rate of inflation.

I support the continuation of a biennial budget format but recognize our new opportunity for annual budgetary review to the benefit of our state and its citizens.

Last summer I formed a special committee charged with studying the need to preserve the Connecticut River Valley Region along the western border of our state. That committee has in turn recommended creating a Connecticut River Valley Resource Authority: An authority to both protect the natural beauty and to help local communities in developing and promoting its tourist potential. Legislation creating the authority is now being drafted and we will consider it this year.

We will take action on completing an east-west highway link between Concord and the seacoast. A study authorized by the

1983 budget will provide the facts we need to assess the feasibility of this extension of our highway system. This link, like the completion of I-93 through Franconia Notch in the north country, is important for the uniform growth of business throughout our state and for encouraging tourism. If the information contained in the Wilbur Smith Report warrants it, we will press forward in 1985 to take legislative action on forging that final, critical link, opening a clear route from Montreal all the way to the New Hampshire seacoast.

The 1983 Legislature recognized the importance of a clean, untainted water supply to the future health and prosperity of New Hampshire. It created the Joint Committee Studying Water Resources Management. That committee has worked diligently during the interim, as did many legislative committees. On the basis of their findings, and to facilitate their important work, Senate President Vesta Roy and I secured the services of a full-time Project Director for Water Resources Management to work for the committee under the supervision of its co-chairmen. The project director has assisted in developing legislation necessary to protect our supply of untainted water, including a Water Resources Management Plan. We believe this will be an important step in protecting the quality and supply of water in New Hampshire in years to come.

Equally as important as protecting the physical and economic well-being of our citizens, is protecting our heritage: our sense of identity as Americans and New Hampshireites. This session we may consider legislation aimed at preserving one of the Granite State's most important historic landmarks.

Our Colonial State House, part of which now stands at Strawberry Banke, has been the subject over the last several months of legislative scrutiny. If the Special Committee on the Old State House, which I formed last spring, deems it necessary we will take action on preserving the structure this year.

This then, is some of the work which lies before us. I know that each of the members of this body will do his or her utmost to consider each of these issues fairly and with the interests of their constituents and the state at heart. In the past I have been grateful for the cooperative spirit which each and every representative has helped to engender in this chamber. I know that in the biennium to come, that same spirit will contribute to our success in grappling with complicated issues, exposing those issues to the scrutiny of the legislative process, and developing a reasoned, measured response to each one.

The Legislature, and particularly the New Hampshire House, is part of a sacred compact, a compact between the people and the legislators they elect to represent their interests. An integral part of that compact is the solemn principle of the separation of powers which ensures that the Legislature can stand free and independent of the other branches of government and speak with the collective voice of the

people. The job of the Judicial Branch is the interpretation of the laws. The job of the Executive Branch is the administration of the laws. But the job of the Legislature - and solely the Legislature - is to create laws in the name of the people. We will uphold and we will carry out this responsibility.

During the session we begin today I, as Speaker, will do all within my power to ensure that the rights of the minority are heard while at the same time recognizing my responsibility to see that the will of the majority is not frustrated but indeed executed and carried out.

Most importantly, I will try to set the tone which I hope all of you will follow; and that is to show deep and abiding respect for each and every member of this body. We are here to do a job. There will be differences of opinion. But there will be respect shown for each of us as we accomplish that task. I pledge again to maintain the dignity of this chamber and the integrity of this institution so that together we can fulfill our constitutional duty to set the public policy for the State of New Hampshire. Thank you.

Rep. Rounds moved that the Speaker's remarks be printed in the Journal.
Adopted.

REPORT OF THE CHAPLAIN COMMITTEE

The Chair announced that the Chaplain Committee had selected Rev. David W. Bell of The United Methodist Church, Contoocook, to act as the House Chaplain for the 1985-86 session of the Legislature.

Report adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet January 3, 1985 at 10:30 a.m.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.
Adopted.

The House recessed at 2:22 p.m.

APPOINTMENTS BY SPEAKER STATUTORY COMMITTEES

JOINT COMMITTEE ON ADMINISTRATIVE RULES
(RSA 541-A:11) Reps. Sara Townsend, V. Chairman, Ada Mace, Howard Townsend, Marian Copenhaver and Margaret Ramsay

ADVISORY BUDGET CONTROL COMMITTEE (RSA 9:13-a) Reps. William Kidder, John Kane and Margaret Ramsay.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M) Reps. Bruce Rounds, James Bibbo, Paul LaMott and William Matson.

JOINT COMMITTEE ON LEGISLATOR ORIENTATION
(RSA 17-C) Rep. John B. Tucker, Carl A. Peterson, House Clerk, Lynne Dennis, Director of Legislative Services

JOINT COMMITTEE ON LEGISLATIVE FACILITIES
(RSA 17-E:2) Reps. John B. Tucker, Bruce C. Rounds, Mary P. Chambers, William F. Kidder, Paul I. LaMott and Phoebe A. Chardon

JOINT COMMITTEE ON REVIEW OF AGENCIES AND PROGRAMS (SUNSET) (RSA 17-F:2) Reps. John B. Tucker, Bruce C. Rounds, Sara M. Townsend, Dennis R. Bolduc and Wayne D. King

NH BICENTENNIAL COMMISSION ON THE US CONSTITUTION (SCR 2) Reps. Russell C. Chase, Joseph M. Eaton, Beverly Hollingworth, Ednapearl F. Parr, and Natalie S. Flanagan

SELECT COMMITTEE TO STUDY OPTIONS FOR THE OLD STATE HOUSE Reps. Elsie Vartanian, Elaine Krasker, and Andrea A. Scranton

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 3

Thursday, 3 Jan 85

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Heavenly Father, the Prophets of old have taught that true wisdom begins with acknowledgment of You. Steer us from the self-defeating attitude of knowing it all. Help each of us to think of ourselves as learners. Teach us how to listen. Teach us how to create a climate where learning is valued and wisdom is honored. May the work and the celebrations of this day have Your blessings. Amen.

Rep. Hardy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Barry, Wagner, Daniell, Perry and Rep.-elect Lawrence Chase, the day, illness.

Reps. Benjamin Moore, Grip, Popov, Reardon, Kane, Bass, Nagel, Michael Jones, Diamant, Duprey, Bruce Packard, Phelps, Hollingworth, Newman and Patricia Russell, the day, important business.

Rep. Ames, the day, death in the family.

INTRODUCTION OF GUESTS

Tim Racine and Chris Tacy, grandson and guest of Rep. Delano; Faith Donovan, daughter of Rep. Donovan.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 28 through 32, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 28-FN, relative to bridges and bridge aid. (Easton of Grafton Dist. 11; Scanlan of Grafton Dist. 11; Christy of Grafton Dist. 11 - To Public Works)

HB 29, providing for special number plates for organizations serving persons with a walking disability. (Densmore of Grafton Dist. 3 - To Transportation)

HB 30, relative to the control and restraining of guard dogs. (Ames of Rockingham Dist. 10; Ellyson of Rockingham Dist. 9; Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 31, relative to the transportation of dogs in open trucks. (Bowes of Merrimack Dist. 4 - To Legislative Administration)

HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries. (Benton of Rockingham Dist. 5 - To Judiciary)

Reps. Rounds and Chambers offered the following:

RESOLVED, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:30 a.m. for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Councilors and the Inauguration of the Governor-elect, the Honorable John H. Sununu.

Adopted.

RECESS

The following guests were introduced:

The Honorable Shane Devine, Chief Judge of the United States District Court and his escort; The Honorable Martin F. Loughlin, United States District Court Judge and his escort; The Honorable Richard P. Dunfey, Chief Justice of the Superior Court and Mrs. Dunfey; The Associate Justices of the Superior Court and their escorts; The Honorable John W. King, Chief Justice of the Supreme Court and Mrs. King; The Associate Justices of the Supreme Court and their escorts; former member of the Congressional Delegation, Senator Norris Cotton and Mrs. Cotton; former Governors, Sherman Adams, Hugh Gregg and his lady, Lane Dwinell and his lady, Walter Peterson, and Meldrim Thomson, Jr. and his lady; the Governor's personal Military Staff and their escorts; escorts of the Councilors-elect; the First Lady, Mrs. John Sununu, and guests of the Governor; Stephen E. Merrill, the Attorney General; Georgie A. Thomas, State Treasurer; William M. Gardner, Secretary of State; House Leadership, Rep. Bruce C. Rounds, Majority Leader; Rep. Mary P. Chambers; The Honorable Senate; The Councilors-elect; Mrs. John Tucker, Lady of the Speaker of the House; Dr. Albert Roy, spouse of the President of the Senate; The President of the Senate, Vesta M. Roy; The Honorable John H. Sununu, Governor-elect.

SENATE MESSAGE

Mr. Speaker:

The Senate is ready to meet in Joint Convention.

JOINT CONVENTION (Speaker presiding)

Sen. Blaisdell and Reps. Healy and D'Amante offered the following report:

The Joint Committees appointed to compare and count the votes for Governor and Councilors, reports that it has attended to its duties, and the vote is correct.
Report adopted.

Sen. Stabile and Rep. Rounds offered the following:

RESOLVED, that a committee of five be appointed by the Speaker to wait upon the Honorable John H. Sununu, and inform him officially of his election as Governor of the State of New Hampshire.
Adopted.

The Chair appointed Reps. Rounds, Sara Townsend and Chambers and Sens. Lessard and White.

Sen. Podles and Rep. Sara Townsend offered the following:

RESOLVED, that a committee of five be appointed by the Speaker to wait upon the Honorable Councilors-elect: Raymond S. Burton, Peter J. Spaulding, William P. Cahill, Louis J. Georgopoulos, Bernard A. Streeter, Jr. and inform them of their election as Executive Councilors.
Adopted.

The Chair appointed Sens. Bartlett and Freese and Reps. Burns, Tamposi and Chambers.

RECESS

Sen. Blaisdell and Reps. Healy and D'Amante offered the following report:

The Joint Committee appointed to wait upon Honorable John H. Sununu and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted said office and will meet the Senate and House of Representatives in Joint Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

Report adopted.

Sen. Bartlett and Rep. Chambers offered the following report:

The Joint Committee appointed to wait upon the Honorable Raymond S. Burton, Peter J. Spaulding, William P. Cahill, Louis J. Georgopoulos, Bernard A. Streeter, Jr. and inform them officially of their election as Councilors of the State of New Hampshire reports that it has attended to its duty; that the Councilors-elect have accepted said office and will meet the Senate and House of Representatives in Convention to take the oath of office.

Report adopted.

Escorted by the Joint Committees, the Governor-elect and the Councilors-elect entered the House.

The New Hampshire National Guard posted the colors, followed by the singing of the National Anthem by the Shaw Brothers.

The Invocation was offered by the Reverend George W. Swope, affiliated with the New Hampshire Baptist Church.

Let us pray. Almighty and all-wise and all-loving God on this Inaugural day we raise our prayer to Thee in behalf of the elected Governor of our state, John Sununu. Grant to him in these difficult and challenging times the vision and the skill to increase in New Hampshire greater efficiency in government, greater harmony among the diverse groups within our state, greater prosperity for all economic classes, greater compassion for the truly needy. Help him to inspire us to depend more upon careful analysis than upon heated emotion in making decisions that affect our people. Bless his family as they are sacrificial and supportive in his time-consuming and stressful leadership role. Guide the Counselors and the Legislators as they seek honestly to refrain from blind rubber-stamping of the Governor and also from arbitrary opposition to his proposals. Our Father, we acknowledge Thee in theory through our prayers. Help us all to have the wisdom to acknowledge Thee in practice as we seek Thy will in the governments of our beloved state in Jesus' name. Amen.

Chief Justice John W. King administered the oath of office to His Excellency, John H. Sununu and presented him with a copy of the State Constitution.

A Prayer for peace and thanksgiving was offered by The Reverend Father John G. Maheras of the Greek Orthodox Church in Manchester.

In peace let us pray to the Lord. For that peace which from above and for the safekeeping of our souls, for the peace of the whole world, the stability of nations, for this state, and for universal oneness. We ask God our heavenly Father to guide the state into the way of justice and truth and maintain peace which is the fruit of righteousness. We ask God our Lord to accept our thanks and praise for all that He has done for us as people, as cities, and as a state. And, we thank Him for the blessings of family and friends and for the loving care which surrounds us on every side. And, we thank Him for good and honorable governmental leaders. We thank Him for setting us at tasks which demand our best efforts and for leading us to accomplishments which satisfy and delight us and please Him. We thank Him also for those disappointments and failures that lead us to acknowledge our dependency upon Him. We offer this prayer of thanksgiving as we praise and bless and worship and glorify and give thanks to Him through whose love and mercy we all enjoy peace and thanksgiving. Amen.

The Governor administered the oath of office to the Honorable Councilors-elect.

The Governor delivered his inaugural address as follows:

Mr. Speaker, Madam President, Mr. Chief Justice, Honorable Members of the Senate and General Court, and my fellow citizens.

I am grateful to you all for the honor you confer on me by permitting me to continue in service to this great state of New Hampshire.

One of our modern commentators, George Will, has noted that inaugurations are the grandest ceremonies in our civic lives.

They are at once solemn and festive.

They express seriousness about the authority and responsibility they convey.

And they set a tone for the tenure to follow.

As I stand before you today, it is very apparent that we assemble here with very different state circumstances from those we faced two years ago.

It was clear then that New Hampshire was facing a fiscal crisis which threatened the capacity of the state to function effectively, and further threatened our unique traditions of state government.

In my address to you two years ago, I made the commitment to return New Hampshire to solvency, and to a sound fiscal position. And I promised not to alter the basic tax structure that has served as an attractant and a stimulus to quality economic growth, and to the creation of jobs and opportunities for our citizens.

With the help of the State Senate and House, and to the dismay of those who do not understand the inherent strength of the New Hampshire system, we succeeded together in developing, and implementing a budget and financial program which met all our state needs, and rejuvenated our state economy.

New Hampshire's economic condition is again the envy of all of our sister states!

Today, the success of the past two years presents us with the significant opportunity to address our current needs with the boldness and flexibility to be innovative which only comes with fiscal security.

We can focus our agenda, and target our efforts with a freedom and aggressiveness not affordable in over half a decade.

Given this opportunity, we must look beyond programs which merely mirror conventional wisdom, or are reflections of the notion that because our needs have always been addressed in a given way by government, those programs should be perpetuated for their own sake.

While we recognize both the opportunity and responsibility to be bold, we have also the imperative to maintain a tempered and reasoned balance in our activities.

Although we will be dealing from a sound fiscal position, we must avoid the temptation to encourage state government to get too big or too expensive because then government ceases to serve the people and becomes unresponsive to the wishes of our citizens whose work and taxes make it all possible.

We can, and must, put into practice balanced responses that reflect a caring and dedication to both the needy and the taxpayer.

We can, and must, in our zeal to serve and be responsive, resist the temptation to over-centralize policy, programs or funding.

New Hampshire's strength for over two-hundred years has been derived from self-discipline and a recognition that we govern through the consent of those we serve.

We must continue to be the successful model of these most basic American principles.

Let us not underestimate the reality that New Hampshire's success has an impact which transcends the boundaries of our state. In fact, we are recognized and envied for what we have accomplished and how we accomplished it.

What we say, what we believe in, what we stand for . . . our ideas, our innovative approaches, our successes, have provided, and will continue to provide, practical hope for citizens and states across the nation.

Our model is one of efficient service tempered by fiscal responsibility.

In our effort to continue to balance service with responsibility, we must remember the importance of measuring success by the performance of our programs, and by their accomplishments . . . not by their price tag.

Too much public policy today is praised or condemned on the basis of spending level alone.

Performance, not price, shall be our measure of success.

Let us not undermine our own successes; let us not weaken our basic strengths; let us not overburden our effective programs just because our sister states choose to overspend.

Indiscriminate spending is no substitute for intelligent, innovative, well-planned, and efficiently managed programs . . . price tag is the worst measure of quality, performance, or responsibility of service.

Expenditures for their own sake may satisfy those who long for a better rank in the standings among spenders, but extravagant constituencies to the contrary, only good people, good ideas, and hard work make good government.

If the success of the past two years, or in fact the past two centuries, are to be a prologue to the next two years, it is appropriate for the people of New Hampshire to pause and review what makes our state unique.

Our state constitution, whose bicentennial we celebrated last year, admonishes us to "moderation, temperance, industry and frugality."

We have, for the most part, been responsive to that exhortation.

Furthermore, we have, by virtue of the breadth of our legislative representation, and the devotion of the women and men who serve, and our preservation of the importance of our local government, retained the most active role in governing for our citizens of any of the fifty states.

In New Hampshire we pride ourselves on the accessibility between citizens and policymakers, between voters and elected officials.

In the complex exchanges among citizens, business and government, we have emphasized dialogue and cooperation rather than adversarial opposition. We stress results, not rhetoric.

We have acknowledged that the greatest goal that any government can achieve is to effectively eliminate the need for government service and support.

We have understood that intrusion can stifle, that patronizing can inhibit, and control can destroy.

We have recognized the fine line between meeting needs and imposing dependency.

New Hampshire's balance between rights and responsibilities, between needs and wants, affords us the opportunity to look beyond mere political philosophies to a more tangible, visible basis for our achievements.

Astute observers have long acknowledged the great natural assets and beauty of our state.

I believe those natural resources are recognized to be so precious, so fragile, that they inspire within us all a self-discipline and regard for quality of life that sets the tone for much of what we do and ask to be done.

This respect for our basic resources and assets leads to a commitment, an involvement, and a respect for our traditional values.

With these precepts to draw on, New Hampshire can be proud of where we stand today.

We certainly have significantly more to rejoice about than to regret.

Our state has a responsive government, a vibrant economy, a people filled with pride in their achievements.

And though New Hampshire is not perfect (although we are not done working at it yet), I truly believe that as a state we have, over the past two centuries, come closer to that perfection than anyone else.

That is what we must build on.

As realists, we must deal with ourselves as we are, not as others would wish us to be.

Where we are lacking we shall provide.

Where we are strong we shall buttress.

Where we have excesses we shall trim.

And, of course, we must recognize that we cannot do everything and that we should not try to do everything. But together we can do a great deal, and that which we choose to do, we should do well.

Our basic agenda will include the preservation of our sound fiscal condition.

We will continue to use our unique tax structure as the cornerstone of our economic attractiveness.

The state of New Hampshire can and will provide the leadership in addressing what we must do to make our future as enviable as our present.

We are mindful that we must invest in ourselves, especially in our transportation systems, and in the protection of our water supplies, to retain our great quality of life.

We shall respond to the impacts that accompany success and significant growth.

We shall strengthen the quality of our education systems, building on what is truly an exemplary primary and secondary system, and an exceptionally fine vocational education and university system.

But here, in education, we must be especially disciplined in our approach. Although we must not shy away from innovation and enhancement, we must be

careful to keep in balance the delicate interactions that have given us the excellence we have.

In short, we must be careful not to weave our gold back into straw.

Our investments in education must be focused at truly improving the quality of education, not merely in hiking the price tag to follow a trend.

And, of course, we must complete our reorganizational efforts to improve the performance, effectiveness, and responsiveness of state government.

In that respect, we have, in the last two years, come a long way.

We have invested in people, in equipment, in systems and training.

And with the close of the current biennium the state should have in place one of the most modern, supportive, integrated budget and financial systems available.

Let me acknowledge here that the general response of the employees of the state of New Hampshire has been constructive and cooperative. I hope that we can in the coming months strengthen our cooperation, and continue to improve our service to our citizens.

State government can and does work well, especially in New Hampshire.

In closing, let me again thank you all ... citizens, legislators, state employees, friends and family for your help, your support, and your prayers.

I recognize that there is precious little I can do alone.

A governor can provide a focus on needs, a plan for solutions, and the persuasion that programs are right and will succeed.

But we must together make the decisions which can impact the issues, and cooperatively implement the programs that flow from those decisions.

In 1985 I think we know ourselves, our state and where we want to go.

This is one of those rare opportunities where we can move from where we are now to where we have not yet been.

We can in the next two years make clear to all that New Hampshire can, and will, continue to thrive and excel.

This is too great a state to limit our visions of what we can accomplish.

Considering what we have already achieved, why shouldn't we expect to succeed even beyond our wildest dreams?

After all, we are from New Hampshire.

God bless you. Thank you very much.

"New Hampshire Naturally," honorary state song, was sung by the Shaw Brothers.

Reverend John P. Quinn, Director of New Hampshire Catholic Charities in Manchester, offered a Prayer for a successful administration.

God, Our Father, we ask Your blessings this day on all gathered here, and on all whom you have called to serve their fellow men and women in civic office.

In our days, we need leaders who can guide us according to Your will into the ways of peace and justice.

We pray, then, that our Governor, along with the Executive Council and Legislature,

may receive richly from Your Spirit. May You shower them with the wisdom to discern what is right and good, with the courage to pursue the truth even when difficult, and with the strength to turn their visions into reality.

May You guide all of our elected officials to work intelligently, perseveringly and conscientiously so as to build a state and nation where brotherhood, liberty and justice are enduring realities for all people.

We make this prayer, as always, for the honor and glory of Your name. Amen.

Bishop Methodiois, Greek Orthodox Bishop of the Diocese of Boston, offered the Benediction.

In peace let us pray to the Lord. For that peace which is from above and for the safekeeping of our souls.

For the peace of the whole world, the stability of nations, for this state, and for universal oneness, we ask God our heavenly Father, to guide this state into the way of justice and truth, and maintain peace which is the fruit of righteousness. We ask our Lord, to accept our thanks and praise for all that He has done for us as people, as cities and as a state.

We thank You Lord for the blessing of family and friends, and for the loving care which surrounds us on every side.

We thank You for good and honorable governmental leaders. We thank You for setting us at tasks which demand our best efforts, and for leading us to accomplishments which satisfy and delight us and please You. We thank You also for those disappointments and failures that lead us to acknowledge our dependence on You alone.

We offer this prayer of thanksgiving as we praise You, and bless You and worship You and glorify You and give thanks to You for the splendor of Your glory.

Accept our prayers and have mercy upon us, in Christ, we ask and we pray. Amen.

Rep. Rounds and Sen. Stabile moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE (Speaker in the Chair)

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and when the House adjourns today it be to meet Tuesday, January 29th at 1:00 p.m.
Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.
Adopted.

The House recessed at 12:42 p.m.

RECESS

(Rep. Townsend in the Chair)

Rep. Kenneth MacDonald offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 25, and 33 through 41, and House Resolution numbered 13, and Concurrent Resolution Proposing Constitutional Amendments numbered 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HR AND CACR

First, second reading and referral

HB 25, recodifying RSA title XL and relocating certain RSA chapters. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 33, authorizing the owner of the outlet at Robinson pond in the town of Hudson to construct a lake level management structure. (Arris of Hillsborough Dist. 19 - To Resources, Recreation and Development)

HB 34, relative to winter roads. (Easton of Grafton Dist. 11; Scanlan of Grafton Dist. 11 - To Public Works)

HB 35, relative to preparing and correcting checklists in village districts. (Lovejoy of Rockingham Dist. 7 - To Constitutional and Statutory Revision)

HB 36, limiting liability of donors and distributors of food. (Stio of Merrimack Dist. 5; Quimby of Rockingham Dist. 7 - To Judiciary)

HB 37, relative to building inspectors. (Mason of Rockingham Dist. 22 - To Executive Departments and Administration)

HB 38, requiring the state board of education, through the commissioner, to adopt rules relative to guidelines on notifying parents when students are absent. (Beaure of Hillsborough Dist. 42 - To Education)

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the Town of Raymond and making an appropriation therefor. (Warburton of Rockingham Dist. 6; Hoar of Rockingham Dist. 6; Case of Rockingham Dist. 6; Sloan of Rockingham Dist. 6; Johnson of Dist. 17 - To Public Works)

HB 40, relative to filing nomination papers for presidential candidates. (Carragher of Hillsborough Dist. 22 - To Constitutional and Statutory Revision)

HB 41, relative to saltwater fishing and shellfish. (Pelch of Rockingham Dist. 14 - To Fish and Game)

HR 13, relative to low-level radioactive waste management compact. (Parr of Rockingham Dist. 17; Chardon of Coos Dist. 6; Chambers of Grafton Dist. 12 - To State-Federal Relations)

CACR 2, relating to amending the constitution. Providing that a maximum of 5 legislatively proposed constitutional

amendments may appear on the ballot at each biennial November election, except elections following a constitutional convention, when the legislature may propose a maximum of 2 amendments and the convention may propose a maximum of 5 amendments. (Beaure of Hillsborough Dist. 42 - To Constitutional and Statutory Revision)

RECESS

(Rep. Rounds in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 42 through 50, and Concurrent Resolutions Proposing Constitutional Amendments numbered 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND CACR

First, second reading and referral

HB 42, to amend the reckless driving statute. (Nelson of Hillsborough Dist. 31 - To Transportation)

HB 43, requiring an annual visual acuity and hearing test for motor vehicle operators age 70 and older. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 44, increasing the penalty for failing to yield to pedestrians within a crosswalk. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 45, relative to licenses issued by the department of fish and game. (Dionne of Strafford Dist. 5; Lewis of Merrimack Dist. 5; Theriault of Coos Dist. 8 - To Fish and Game)

HB 46, relative to sealing and certifying ballots. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 47, relative to living wills. (Daniell of Merrimack Dist. 12; Hollingworth of Rockingham Dist. 17; Dickinson of Carroll Dist. 2; Bardsley of Merrimack Dist. 1; Townsend of Sullivan Dist. 1; Pannell of Merrimack Dist. 6; Cote of Hillsborough Dist. 25; Gilbreth of Merrimack Dist. 10; McLane of Dist 15; Griffin of Dist. 24; Johnson of Dist. 17; Bond of Dist. 1; Charbonneau of Dist. 14; Lessard of Dist. 21 - To Judiciary)

HB 48, providing for the acquisition of Jones Pond dam by the department of fish and game. (Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 49, changing the date for observance of Memorial Day. (Mason of Hillsborough Dist. 8; Fried of Hillsborough Dist. 16; Burns of Hillsborough Dist. 8; Chandler of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

HB 50, prohibiting advertisement of liquor and alcoholic beverage prices. (D'Amante of Sullivan Dist. 7; Dion of Hillsborough Dist. 45; Kelley of Hillsborough Dist. 13; Matson of Cheshire Dist. 7 - To Regulated Revenues)

CACR 3, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1350 for each annual session. (Newman of Rockingham Dist. 24 - To Constitutional and Statutory Revision)

RECESS

(Rep. Dexter in the Chair)

Reps. Diamant and Wayne King offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 51 through 86 and 160, and House Joint Resolution numbered 1, and Concurrent Resolution Proposing Constitutional Amendment numbered 4, through and House Resolutions numbered 16 and 17, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS,

HJR, CACR and HRS

First, second reading and referral

HB 51, relative to the rulemaking authority of the office of waste management. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12; Chardon of Coos Dist. 6; Fields of Hillsborough Dist. 13 - To Environment and Agriculture)

HB 52-FN, increasing the fee for dealers' motor vehicle plates. (Nagel of Rockingham Dist. 20; Nelson of Hillsborough Dist. 31 - To Transportation)

HB 53, prohibiting the harassment of hunters, trappers and fishermen. (Smith of Merrimack Dist. 20; Heath of Dist. 3; Wiggins of Dist. 8 - To Fish and Game)

HB 54, relative to the maintenance of horses. (Campbell of Rockingham Dist. 20; Burkush of Hillsborough Dist. 43 - To Environment and Agriculture)

HB 55-FN, authorizing the director, division of public health services to schedule controlled drugs. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 56, permitting the annulment after 7 years of criminal records for possession of a controlled drug. (Sytek of Rockingham Dist. 20; Eaton of Cheshire Dist. 4 - To Judiciary)

HB 57, relative to the election of the members of the county convention. (Jacobson of Merrimack Dist. 2; Kincaid of Strafford Dist. 7; Chamberlin of Strafford Dist. 4; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 58, relative to appeals before the board of tax and land appeals. (Jacobson of Merrimack Dist. 2 - To Ways and Means)

HB 59, to prohibit blind bidding on motion pictures. (Dickinson of Carroll Dist. 2; Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 60, establishing granite as the state rock, beryl as the state mineral, and smoky quartz as the state gem. (Dickinson of Carroll Dist. 2; Blanchard of Rockingham

Dist 26; Dingle of Strafford Dist. 4; Freese of Dist. 4; Heath of Dist. 3 - To Constitutional and Statutory Revision)

HB 61, providing hunting privileges for certain convicted felons. (Dickinson of Carroll Dist. 2 - To Judiciary)

HB 62, prohibiting discrimination by landlords against persons with children. (Ingram of Sullivan Dist. 4 - To State Institutions and Housing)

HB 63, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

(Russell of Cheshire Dist. 17; Scranton of Cheshire Dist. 16; Schwartz of Cheshire Dist. 13; Ridge of Cheshire Dist. 17; Frink of Cheshire Dist. 15; Sullivan of Cheshire Dist. 12; Arnott of Cheshire Dist. 14; Blacketor of Cheshire Dist. 16 - To Constitutional and Statutory Revision)

HB 64, limiting the liability of persons aiding crime victims. (Newman of Rockingham Dist. 24; Pantelakos of Rockingham Dist. 24; Vaughn of Rockingham Dist. 28 - To Judiciary)

HB 65, increasing the legal drinking age to 21. (Newman of Rockingham Dist. 24; Pantelakos of Rockingham Dist. 24; Splaine of Rockingham Dist. 25; Vaughn of Rockingham Dist. 28; MacDonald of Rockingham Dist. 28; Connors of Rockingham Dist. 26 - To Regulated Revenues)

HB 66, eliminating the exception of insurance from certain provisions of the Administrative Procedure Act and excepting the bank commissioner from certain provisions of the Administrative Procedure Act. (Crory of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 67, to allow a designee from the office of the attorney general to serve on the board of trust company incorporation in place of the attorney general. (Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 68, changing the dates for observance of Memorial Day and Veterans Day. (MacDonald of Rockingham Dist. 28; Newman of Rockingham Dist. 24 - To Constitutional and Statutory Revision)

HB 69, relative to seat or safety belts for children and certain other persons. (Green of Hillsborough Dist. 36 - To Transportation)

HB 70, requiring all school children through grade 6 to be fingerprinted. (Ingram of Sullivan Dist. 4; E. Wheeler of Hillsborough Dist. 10; K. Wheeler of Hillsborough Dist. 10; Domini of Sullivan Dist. 5; Mehegan of Sullivan Dist. 3; Podles of Dist. 16 - To Children, Youth and Elderly Affairs)

HB 71, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. (Lozeau of Hillsborough Dist. 25; Duprey of Hillsborough Dist. 31; Tamposi of Hillsborough Dist. 27 - To Constitutional and Statutory Revision)

HB 72, relative to the submission and certification of nomination papers. (Planagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 73, preventing cruelty to live vertebrate animals in elementary and

secondary school science classes and science fairs. (Riley of Cheshire Dist. 5; Gordon of Cheshire Dist. 5; Lessard of Dist. 21; Hough of Dist. 5 - To Judiciary)

HB 74, relative to budget approval by the Hillsborough county executive committee. (Levesque of Hillsborough Dist. 30; Nute of Hillsborough Dist. 13 - To Municipal and County Government)

HB 75, relative to appeals by the state in criminal cases. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 76-FN, establishing a judicial selection commission to recommend candidates for all judicial appointments. (Sylvia of Hillsborough Dist. 1 - To Judiciary)

HB 77, relative to draft registration and eligibility for college scholarships. (Ellyson of Rockingham Dist. 9; Benton of Rockingham Dist. 5 - To Education)

HB 78, relative to resident commercial salt water licenses. (Pantelakos of Rockingham Dist. 24; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 79, prohibiting homosexuals from donating blood. (Ingram of Sullivan Dist. 4; Driscoll of Grafton Dist. 8; Wiggins of Dist. 8; Chandler of Dist. 7; Podles of Dist. 16 - To Judiciary)

HB 80, relative to the health insurance reimbursement agreements. (Townsend of Sullivan Dist. 1 - To Commerce, Small Business and Consumer Affairs)

HB 81, relative to the age of a person who could withdraw from school with parental consent. (Chandler of Carroll Dist. 1 - To Education)

HB 82, establishing a nursery and nursery stock act. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 83, relative to "stop sale" orders for apples, potatoes and "native" farm produce. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 84, relative to clarification of certain terms concerning special education children. (Taffe of Grafton Dist. 6 - To Education)

HB 85, relative to the appeals process for special education. (Taffe of Grafton Dist. 6 - To Education)

HB 86, relative to boxing involving a person under the age of 18. (Newcombe of Hillsborough Dist. 25 - To Executive Departments and Administration)

HB 160-FN, relative to sunset review of the air resources agency. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

CACR 4, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hillsborough Dist. 40 - To Constitutional and Statutory Revision)

HJR 1, relative to a systematic review of health coverage proposals. (Townsend of Sullivan Dist. 1; Chambers of Grafton Dist. 12; Freese Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HR 16, relative to the office of waste management, division of public health services, department of health and human services. (Rounds of Grafton Dist. 10;

Chambers of Grafton Dist. 12; Chardon of Coos Dist. 6; Fields of Hillsborough Dist. 13 - To Environment and Agriculture)

HR 17, relative to Central America. (Locke of Belknap Dist. 6; Fields of Hillsborough Dist. 13; Ames of Rockingham Dist. 10; Welch of Rockingham Dist 10; Raynowska of Rockingham Dist. 20 - To State-Federal Relations)

RECESS

(Rep. Parr in the Chair)

Reps. Emma and Kenneth Wheeler offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 87 through 96 and 98 through 100 and 161 through 166 and 200, and Concurrent Resolutions Proposing Constitutional Amendments numbered 6 and 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS AND CACRS First, second reading and referral

HB 87, providing the legislative budget assistant with access to certain records. (Kidder of Merrimack Dist. 2 - To Legislative Administration)

HB 88-FN, providing for free transit through state toll booths for retired state employees. (Fields of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, any excess to be lapsed into the highway fund. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 90-FN, relative to the notice required for the adoption of the Hillsborough county budget. (Harrington of Hillsborough Dist. 7 - To Municipal and County Government)

HB 91, relative to counting absentee ballots. (Dingle of Strafford Dist. 4; Whittemore of Merrimack Dist. 10; Freese of Dist. 4 - To Constitutional and Statutory Revision)

HB 92, relative to suspension of an operator's license for nonpayment of parking fines. (Newman of Rockingham Dist. 24 - To Transportation)

HB 93, relative to polygraph tests. (August of Hillsborough Dist. 6 - To Judiciary)

HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes. (Sytek of Rockingham Dist. 20; Eaton of Cheshire Dist. 4; Johnson of Dist. 17 - To Judiciary)

HB 95, limiting the grounds for eviction of tenants from certain rental units. (Quimby of Rockingham Dist. 7 - To State Institutions and Housing)

HB 96, amending certain planning and zoning statutes. (Grodin of Cheshire Dist. 6; Perry of Cheshire Dist. 10; Jacobson of Merrimack Dist. 2; Golden of Belknap Dist. 7; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 98, relative to adopting the spotted newt as the state amphibian. (August of Hillsborough Dist. 6; Podles of Dist. 16 - To Public Protection and Veterans Affairs)

HB 99, relative to the state guard. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 100, relative to speed limits in the state. (Gordon of Merrimack Dist. 7 - To Transportation)

HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal. (Gordon of Cheshire Dist. 5 - To Environment and Agriculture)

HB 162, relative to powers of attorney. (Townsend of Sullivan Dist. 1 - To Judiciary)

HB 163, relative to closure of food service establishments. (Townsend of Sullivan Dist. 1 - To Health and Human Services)

HB 164, relative to driving while intoxicated by persons under the drinking age. (Crotty of Hillsborough Dist. 39 - To Judiciary)

HB 165, relative to an OHRV facility in the Pine River state forest. (Sullivan of Hillsborough Dist. 39 - To Resources, Recreation and Development)

HB 166, relative to the definition of antique gambling machine. (Bass of Hillsborough Dist. 7 - To Judiciary)

HB 200, making an appropriation for capital improvements. (Bibbo of Merrimack Dist. 3; Walter of Grafton Dist. 13; Chamberlin of Strafford Dist. 4; White of Belknap Dist 1; LaMott of Grafton Dist. 5 - To Public Works)

CACR 6, relating to Constitutional conventions. Providing that When a constitutional convention is called, the delegates shall convene in September. (Whittemore of Merrimack Dist. 10; Phelps of Merrimack Dist. 1 - To Constitutional and Statutory Revision)

CACR 7, relating to registers of probate. Providing that registers of probate shall be appointed rather than elected. (Sytek of Rockingham Dist. 20; Podles of Dist. 16 - To Constitutional and Statutory Revision)

RECESS

(Rep. Carragher in the Chair)

Rep. Sara Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 97 and 167 through 180 and Concurrent Resolution Proposing Constitutional Amendments numbered 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS and CACR
First, second reading and referral

HB 97-FN, relative to redemption after a tax sale. (Phelps of Merrimack Dist. 1 - To Municipal and County Government)

HB 167, establishing a department of commerce. (Ward of Grafton Dist. 1; Quimby of Rockingham Dist. 7; H. Watson of Hillsborough Dist. 13; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 168-FN, exempting county nursing homes and county hospitals from the state requirement of being equipped with automatic fire warning devices. (Parr of Rockingham Dist. 17; LaMott of Grafton Dist. 5 - To Public Protection and Veterans Affairs)

HB 169, relative to pesticides controls. (M. Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 170-FN, authorizing the sale of certain state prison land and allocating the proceeds of the sale. (M. Campbell of Rockingham Dist. 20 - To State Institutions and Housing)

HB 171, relative to assaults by prisoners. (Sytek of Rockingham Dist. 20; Eaton of Cheshire Dist. 4 - To Judiciary)

HB 172-FN, relative to the interest and dividends tax. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)

HB 173-FN, establishing and making an appropriation for the New Hampshire bicentennial commission on the United States Constitution. (Chase of Carroll Dist. 6 - To Appropriations)

HB 174-FN, allowing owners of land in current use to use gravel and other substances from those tracts to build on-site roads and landings without changing the current use status. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 175, changing the apportionment of delegates to state party conventions from certain municipalities. (Green of Hillsborough Dist. 36 - To Constitutional and Statutory Revision)

HB 176, relative to ballots for districts which elect more than one state representative to the general court. (Whittemore of Merrimack Dist. 10; H. Watson of Hillsborough Dist. 13; Dickinson of Carroll Dist. 2; Phelps of Merrimack Dist. 1; Roberts of Merrimack Dist. 10 - To Constitutional and Statutory Revision)

HB 177, relative to the time for holding city elections. (Disnard of Sullivan Dist. 6; Normandin of Sullivan Dist. 8; Brodeur of Sullivan Dist. 7; D'Amante of Sullivan 7; McKee of Sullivan 8 - To Constitutional and Statutory Revision)

HB 178, relative to the members of the barbering and cosmetology board. (Dykstra of Hillsborough Dist. 39 - To Executive Departments and Administration)

HB 179, allowing the sale of liquor in railway dining cars stopped at terminals. (Chase of Carroll Dist. 6 - To Regulated Revenues)

HB 180, establishing a department of justice. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

CACR 8, relating to approving proposed amendments to the constitution. Providing that the popular vote required to approve a proposal to amend the constitution be reduced from 2/3 to 3/5 of the qualified voters voting on the proposal. (T. Gage of Rockingham Dist. 13 - To Constitutional and Statutory Revision)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 4

Tuesday, 29 Jan 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Ann Partner, pastor of the First United Methodist Church of Manchester.

Almighty, ever-living and gracious God, whose glory is in all the world, behold now and bless these leaders of state to whom You have entrusted the welfare of all citizens. Grant them in this and all their sessions the wisdom and strength to know and do Your will. Fill them with the love of truth and righteousness. So rule their hearts and prosper their endeavors, that Your law, Your justice and peace may everywhere prevail.

Thank You, Lord God, for these men and women. Endow them with right understanding, pure purposes, and sound speech. May this body and those they represent be a disciplined and devoted people.

And now, O Lord, in times of difficult decisions, grant Your knowledge and wisdom; in times of disappointment, grant Your vision of a new direction and a high resolve; and in times of victory grant Your strength and Your humility.

This prayer we pray in Your holy and blessed Name. Amen.

Rep. Dwyer led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Woodward, George Jones, Arnesen, Wagner, Lussier, Ames, Hendrick, Dupont and Sherburne, the day, illness.

Reps. Diamant, Martin, Anita Flynn, Edward Flynn, Champoux, Davis and Romoli, the day, important business.

INTRODUCTION OF GUESTS

The Pittsfield High School students in Timothy Finn's Government Class, guests of Rep. Blais; Concord Christian School 4th grade students and their teacher, Mrs. Austin, guests of the House; Mrs. Brenda Connolly and Mrs. Eva Roach, mother and grandmother of Rep. Thomas Connolly; Mrs. Diane Newman and Doreen Leonard, wife and guest of Rep. Newman; Douglas Kidd, grandson of Rep. Ingram; Kris Porter, her parents, Mr. and Mrs. John Porter and Mr. Royce, director of athletics, guests of Reps. Skinner and Mace.

COMMUNICATIONS

Mr. Carl A. Peterson
House Clerk

Dear Mr. Peterson:

This is to advise you that the following representatives-elect appeared before the Governor and Council and were sworn into office on January 3, 1985:

Merrimack County District No. 13
(Concord-Ward A) Mary C. Holmes, r, Concord
(42 Spring Street, Penacook) 03303

Grafton County District No. 12 (Hanover)
Marion L. Copenhaver, d, Hanover (42 Rayton Road) 03755

Strafford County District No. 11
(Rochester-Wards 1, 2, 5) Sandra B. Keans, r, Rochester (1 Sweetbriar Lane) 03857

Sincerely,
William M. Gardner
Secretary of State

Mr. Carl A. Peterson
House Clerk

Dear Mr. Peterson:

This is to advise you that the following representative-elect appeared before the Governor and Council on January 10, 1985 and was sworn into office:

Rockingham County District No. 28
(Newington, Portsmouth-Ward 3) Lawrence A. Chase, Jr., r, Portsmouth (107 Colonial Drive) 03801

Sincerely,
William M. Gardner
Secretary of State

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 181 through 186 and Concurrent Resolution Proposing Constitutional Amendments numbered 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS and CACR
First, second reading and referral

HB 181, relative to the national guard. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 182-FN, relative to sunset review of office of ombudsman. (Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs Committee)

HB 183-FN, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration. (Kidd of Merrimack Dist. 2 - To Ways and Means)

HB 184-FN, relative to the disposition of moneys to be derived from the sale of

property at the site of the burned out department of fish and game headquarters. (Hussey of Stafford Dist. 10; Dionne of Stafford Dist. 5 - To Fish and Game)

HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor. (Parr of Rockingham Dist. 17; LaMott of Grafton Dist. 5; Hollingworth of Rockingham Dist. 17; Pevear of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17; Preston of Dist. 23 - To Public Works)

HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; Griffin of Dist. 24 - To Health and Human Services)

CACR 9, relating to limiting sweepstakes funds to educational purposes and programs. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Belknap Dist. 5 - To Constitutional and Statutory Revision)

VACATE

Rep. James Chandler moved that the House vacate the reference of HB 31, relative to the transportation of dogs in open trucks, to the Committee on Legislative Administration.

Adopted.

The Speaker referred HB 31 to the Committee on Judiciary.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended as to permit consideration at the present time of HCR 2, adopting joint rules for 1985, without notice in the Calendar.

Adopted by the necessary two-thirds.

HCR 2, adopting joint rules for 1985.

RESOLVED, by the House of Representatives, the Senate concurring:

That the General Court adopt as the joint rules for 1985, the joint rules as adopted for 1983 with the changes proposed by the joint rules committee, as printed in the insert to the House Record of January 25, 1985, with the following corrections:

In Joint Rule 4-A(a), line 3, strike out "the House" and insert in its place "either body."

In Joint Rule 4-A(b), lines 2 and 3, strike out "the House" and insert in its place "either body."

In Joint Rule 4-A(b), strike out the last 2 lines (lines 14 and 15) and insert in their places "Committees of both bodies voting separately or by a vote of 2/3 of both bodies voting separately."

In Joint Rule 19, strike out the last line (line 14) and insert in its place "first Tuesday in April (April 2)."

Amendment

Amend Joint Rule 1 by inserting after paragraph (a) thereof the following new paragraph:

(b) Prior to the second-year session, the Committees shall meet jointly for the purpose of recommending to the two bodies deadlines for the conduct and conclusion of the business of the second-year session. Each body may amend and shall approve these deadlines by majority vote on the first legislative day of the second-year session. The Committees shall issue a report of recommendations for second-year session deadlines to the membership of both bodies, conduct at least one public hearing thereon, and issue its final report of recommendations to the general membership not less than fifteen days prior to the first legislative day of the second-year session.

Amend the Joint Rules by inserting after Joint Rule 4 the following new Joint Rule 4-A:

4-A. There shall be no limitation on the type of legislation introduced in the first- or second-year session, except:

(a) No bill the subject matter of which has been indefinitely postponed in the House in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) No bill, joint or concurrent resolution, shall be introduced into the House for the second-year session unless the sponsor of such bill, joint or concurrent resolution, files the legislation by title on or after July 1, 1985; provides complete information as to details to the Office of Legislative Services by 5:00 p.m., September 3, 1985 and the bill is fully prepared by said office for introduction prior to 5:00 p.m., October 1, 1985 except with the approval of three-fifths of the Rules Committee or by a vote of two-thirds of the House.

Amend Joint Rule 10 by striking out the introductory paragraph and inserting in place thereof the following:

10. The schedule for the second-year session shall be the timetable adopted by both bodies following the procedure outlined in Joint Rule 1(b) and this schedule shall constitute Joint Rule 10 for the second-year session.

In the first-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

- (a) (1) third Thursday in April (April 18).
- (a) (2) fourth Tuesday in April (April 23).
- (a) (3) first Thursday in April (April 4).

(b) (1) second Thursday in May (May 9).

(b) (2) third Monday in May (May 20).

(b) (3) third Thursday in May (May 16).

(c) so-called Budget Bill and Capital Budget Bill not later than the first Tuesday in June (June 4) and all others no later than the fifth Wednesday in May (May 29).

(c) (1) than 3:00 p.m. on the fourth Saturday in May (May 25) and all others no later than 3:00 p.m. on the fourth Monday in May (May 27).

(d) the Governor for his signature no later than the first Wednesday in June (June 5), and all other bills no later than the first Tuesday in June (June 4);

Amend Joint Rules 12, 18 and 19 by inserting the following note at the beginning of each rule:

(Note: The schedule contained in Joint Rule 10 as adopted for the second-year session shall, for said second-year session, supersede any conflicting date contained in this rule.)

Amend Joint Rule 12 by inserting in place thereof the following:

in either body after the third Tuesday in March (March 19).

12(b) taken no later than the fifth Wednesday in May (May 29) and any such bill shall be sent to the Governor for his signature no later than the first Tuesday in June (June 4).

Amend Joint Rule 18 by striking out lines 14 and 15 and inserting the following:

not later than the third Thursday in May (May 16) of the calendar year in which

Amend Joint Rule 19 by striking out lines 13 and 14 and inserting the following:

Senate or the House no later than the first Thursday in April (April 4).

Amend the first line under "Statement of Purpose and Intent by deleting line one and twenty-eight and inserting in place thereof the following:

The 1985 session of the New

Therefore, the 1985 session of the New

(Rep. Rounds in the Chair)

Rep. Tucker explained the amendment and yielded to questions.

Rep. Alf Jacobson spoke to the amendment. Amendment adopted.

(Speaker in the Chair)

COMMITTEE REPORT

HR 10, fixing January 29, 1985 as the date through which House Rules may be amended by majority vote. Rep. Rounds for the Rules Committee.

Amendment

Amend House Rule 25(a) by deleting line two in the second paragraph and inserting in place thereof the following:

House on or before Friday, April 19 a budget bill

Amend the House Rules by inserting after Rule 36 and the heading "OF BILLS" the following new House Rule:

36(A). There shall be no limitation on the type of legislation introduced in the first year session.

For the second-year session:

(a) No bill, the subject matter of which has been indefinitely postponed in the House in the first-year session, shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) No bill, joint or concurrent resolution, shall be introduced into the House for the second-year session unless the sponsor of such bill, joint or concurrent resolution, files the legislation by title on or after July 1, 1985; provides complete information as to details to the Office of Legislative Services by 5:00 p.m., September 3, 1985 and the bill is fully prepared by said office for introduction prior to 5:00 p.m., October 1, 1985 except with the approval of three-fifths of the Rules Committee or by a vote of two-thirds of the House.

Amend House Rule 46(a), (a)(1), (b)(1), (b)(2), (d)(1) and (d)(2) by inserting the following new dates:

Last day to file drafting request with outline. Friday, January 25 at 5:00 p.m.

Last day to file information on money bills. 5:00 p.m. Friday, February 1

Last day to file information on non-money bills. 5:00 p.m. Friday, February 15

Last day to file House Bills of Intent. Wednesday, February 13

Last day to introduce money bills. Tuesday, February 26

Last day to sign off money bills. Friday, February 22

Last day to introduce non-money bills. Monday, March 18

Last day to sign off on non-money bills. Tuesday, March 12

House Budget Briefing on House Version of operating budget. Friday, April 19

Budget briefing on Senate Version of operating budget. Wednesday, May 22

Amend House Rule 46 by inserting after paragraph (d) thereof the following new paragraph:

(e) The appropriations and related matters that appear in the general appropriations (budget) bill for the first fiscal year of the biennium shall take effect as provided in the effective date section of that bill and those for the second fiscal year of the biennium shall take effect as provided in said section only upon the ratification by both bodies through the passage of a separate bill introduced to make any amendments and to accomplish such ratification in the second-year session.

Amend House Rule 58 by deleting the last line and inserting in place thereof the following:

floor of the House by Thursday, March 21 or earlier.

Amend House Rule 59 by deleting the last two lines and inserting in place thereof the following:

of the House no later than Tuesday, April 16.

Reps. Rounds and Chambers moved that the amendment be adopted.

(Rep. Rounds in the Chair)

Rep. Tucker explained the amendment, and yielded to questions.

(Speaker in the Chair)

Question being on the adoption of the House Rules as amended.
Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for 2 years. Ought to Pass with Amendment.

This biennial bill gives the Fish and Game Department authority to set the deer season for the next two years, and gives the Committee a handle on this law. Vote 14-1. Rep. Gerald R. Smith for Fish and Game.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 23, relative to penalties for violations in connection with the taking of marine species. Ought to Pass.

The Committee feels this bill is necessary to insure the proper penalty to shucking houses for health reasons. Vote 14-1. Rep. Laura Pantelakos for Fish and Game.

Rep. Felch notified the Clerk that he wished to be recorded against HB 23.

HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries. Ought to Pass. This bill increases the opportunities for interested citizens to consult House and Senate Journals and Calendars, joint and concurrent resolutions, and bills at 19 depository libraries throughout the state. The state librarian testified that she favors the proposal as an added service to the public. Vote 19-0. Rep. Francis E. Robinson for Judiciary.

HB 15, relative to the consolidation of cemetery trust funds into a common trust fund and the appropriate method of accounting for such fund. Inexpedient to Legislate.

HB 15 does not materially change or improve the present statute regarding trust fund administration by the cities or towns. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

HB 18, relative to the enforcement of zoning ordinances. Inexpedient to Legislate. There may be some urgent situations involved in investigation of possible violations of a local zoning ordinance. The Committee believes, however, that it is wise and prudent to retain the present provisions of law whereby the selectmen must first obtain a warrant before entering on property when permission to do so has been refused. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 24-FN, permitting a county executive committee to hire an executive assistant. Ought to Pass.

This is permissive legislation. It allows any county executive committee to hire an executive assistant. Vote 17-1. Rep. Lawrence Cronin for Municipal and County Government.

HB 7, relative to the rulemaking authority of the adjutant general of the New Hampshire national guard. Ought to Pass. This is a simple "housekeeping bill," intended to clarify the difference between "rules" promulgated by the Adjutant General, which do have an impact on the public. The "rules" applicable to military personnel are really "military regulations," and as such are "internal procedures" which do not come under RSA 541-A, "The Administrative Procedure Act;" rules pertaining to the "rental of armories" remain unchanged, but affect the public and therefore must be promulgated under the provisions of RSA 541-A. Vote 16-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 11, relative to the national guard scholarship fund. Ought to Pass.

The National Guard Scholarship Fund has proven to be of great assistance in the recruitment and retention of National Guard personnel. The funds for the scholarship awards are generated from the Armory rental fees received from non-state government activities. This bill will (a) permit the Scholarship Fund to use all of the Armory rental fees from non-state activities (about \$35,000 per biennium) instead of the present allocation of \$20,000 per biennium; (b) permit the "Scholarship Fund Committee" to increase scholarship awards from \$300 to \$500 per guards-person, per year, to be expended on post-secondary education facilities in New Hampshire. Note: the "fiscal note," after having been inadvertently left off of the bill, has now been reunited with the bill. Vote 16-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 115-FN, relative to sunset review of the veterans council. Ought to Pass. Representatives from 12 veterans and related organizations testified in strong support of the continued existence of the State Veterans' Council, and recommended that its staffing be increased to provide better statewide coverage; this situation is being addressed through the budgetary process. Vote 14-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 158-FN, relative to sunset review of training education. Ought to Pass. Each recommendation of the Sunset staff was thoroughly discussed; the Committee is well aware of the outstanding services rendered over the years by the Adjutants General and the New Hampshire National Guard, and strongly recommends the continued existence of the National Guard. Vote 12-0. Rep. Warren F. Ames, Sr. for Public Protection and Veterans Affairs.

HB 159-FN, relative to sunset review of adjutant general maintenance preparation force. Ought to Pass.

Each recommendation of the Sunset staff was thoroughly discussed; the Committee is well aware of the outstanding service rendered over the years by the Adjutants General and the New Hampshire National Guard, and strongly recommends the continued existence of the National Guard. Vote 14-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 116-FN, relative to sunset review of estimated revenue. Ought to Pass.

The Committee voted 21-0 to support the present estimated revenue forecast for the Eastern New Hampshire Turnpike. Rep. James C. Chamberlin for Public Works.

HB 133-FN, relative to sunset review of estimated revenue. Ought to Pass.

The Committee voted 21-0 to support the renewal of the Central New Hampshire Turnpike estimated revenue for another six years. Rep. James C. Chamberlin for Public Works.

HB 139-FN, relative to sunset review of central New Hampshire turnpike maintenance. Ought to Pass.

The Committee voted 20-0 to recommend that no change should be made. Rep. James C. Chamberlin for Public Works.

HB 140-FN, relative to sunset review of turnpikes administration overhead. Ought to Pass.

The Committee voted 21-0 to make no change in "turnpikes administration overhead." Rep. James C. Chamberlin for Public Works.

HB 150-FN, relative to sunset review of central New Hampshire turnpike debt service. Ought to Pass.

The Committee voted 22-0 that no change should be made in turnpike debt service on Central New Hampshire Turnpike. Rep. James C. Chamberlin for Public Works.

HB 43, requiring an annual visual acuity and hearing test for motor vehicle operators age 70 and older. Inexpedient to Legislate. Visual acuity and driving tests are now required for a renewal of license at age 75. The current driving tests have a failure rate of one percent. Additional tests as required by this bill could cost the state \$600,000 annually. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

HB 44, increasing the penalty for failing to yield to pedestrians within a crosswalk. Inexpedient to Legislate.

No testimony was presented to indicate that there is a serious widespread problem with the subject which the bill addresses. Vote 12-0. Rep. Roger Stewart for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 10, relative to police presence at public meetings or functions. Ought to Pass with Amendment.

This bill corrects errors in similar type legislation enacted in 1983; the Attorney General ruled that the 1983 legislation was "broad and vague" and therefore could not be enforced by police departments. This legislation provides guidelines as to what is considered to be a public meeting or function which could require a police detail. Chiefs of Police and municipalities shall not be held liable for their decision not to detail police officers at public meetings and functions. Vote 11-4. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

Amendment

Amend RSA 105:9, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person desiring to conduct a public dance, circus or carnival shall make application for police attendance at that function. Any person who conducts a public dance, circus, or carnival without first making application for police attendance at that function is guilty of a violation.

Amend RSA 105:9 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The chief of police, the police department, and any city, town, or political subdivision shall not be held liable for any decision not to detail police officers to attend any public meeting or function.

Amendment adopted.

Ordered to third reading.

HB 20, relative to the implied consent of testing of boat operators on public waters. Ought to Pass with Amendment.

Approximately 60% of boating fatalities, nationwide and on New Hampshire waters, are attributed to the use of alcohol and/or controlled drugs. This bill provides a means by which properly trained agents of the Division of Safety Services, peace officers and members of the United States Coastguard may take breath, blood and urine samples from persons operating a boat on New Hampshire waters, while appearing to be under the influence. The requirement of .10 blood alcohol content is the same as for those operating motor vehicles. Examination of blood and urine samples shall be performed at the laboratories of the Division of Public Health Services. Ten percent of any fines collected by the courts shall be placed, by the Treasurer of New Hampshire, into a special account, to be used for the training and certification of agents of the Director of Safety Services, in furtherance of their patrolling of the public waters. Vote 14-1. Rep. Warren F. Ames, Sr., for Public Protection and Veterans Affairs.

Amendment

Amend RSA 270:49, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. It shall be an affirmative defense to a violation of this section that the person arrested is afflicted with hemophilia, diabetes or any condition requiring the use of an anti-coagulant under the direction of a physician; provided, however, it shall not be an affirmative defense for failure to take a breath or urine test.

Amend the introductory paragraph to RSA 270:50 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

If a person under arrest refuses upon the request of any authorized agent or peace officer to submit to a chemical test designated by the officer or authorized agent as provided in RSA 270:49, such person shall be subject to the penalty imposed under RSA 270:58, upon satisfactory proof of the following:

Amend RSA 270:52, V as inserted by section one of the bill by striking out same and inserting in place thereof the following:

V. The rules adopted by the director of public health services pursuant to RSA 541-A and RSA 265:85 relative to blood, urine and breath tests shall apply to such tests administered under this subdivision.

Amend RSA 631:5, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. A person is guilty of a misdemeanor if he operates or attempts to operate a boat while under the influence of intoxicating liquor or a controlled drug.

Amendment adopted.

Rep. Labombarde moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Benton spoke against the motion and yielded to questions.

Rep. Sytek spoke against the motion.

Rep. Daniel Eaton moved that HB 20 be recommitted to the Committee on Public Protection and Veterans Affairs and spoke to his motion.

Rep. Benton spoke in favor of the motion. Adopted.

HB 20 was recommitted to the Committee on Public Protection and Veterans Affairs.

HB 30, relative to the control and restraining of guard dogs. Ought to Pass with Amendment.

This bill gives the public protection against the possibility of being attacked, mauled and bitten by a guard dog which has escaped the building or area of its duty; law enforcement officers, fire fighters and utility service persons are warned by posted signs against entering a commercial building or area in which guard dogs are used for property protection. (It should be noted that even a small house-pet dog becomes very protective of its "home turf" and could attack and bite a stranger or passerby). This bill is directed at those commercial buildings or areas which are habitually guarded by dogs; secure fences are required, signs must be posted of the dogs' presence, and inspections of the property made by the local law enforcement authority to assure compliance. Additionally, the custodian

of the dogs must provide the law enforcement authority with the names of persons to be contacted in event of emergency. Vote 12-4. Rep. Warren F. Ames, Sr., for Public Protection and Veterans Affairs.

Amendment

Amend RSA 466:46, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. "Guard dog" means any breed of dog of either sex which is utilized to attack or repel unauthorized intruders whether on command or by instinct. All guard dogs by virtue of this definition shall be deemed to be vicious.

Amend RSA 466:50, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. That the premises to be guarded by the guard dog has sufficient restraining devices, such as fences or walls, to prevent access by the public during the periods that the guard dog is used to protect the premises from unauthorized entry or the escape by the guard dog from the enclosed premises.

Amend RSA 466:50, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. That the custodian has liability insurance for each dog of not less than \$100,000 to protect the general public, in the event the guard dog eludes confinement and attacks and injures a person on public or private property.

Amend RSA 466:51 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

466:51 Inspections. The local law enforcement authority is authorized to inspect the premises of each custodian of a registered guard dog during normal business hours. If conditions on said premises do not meet the requirements of RSA 466:50, the local law enforcement authority shall direct removal of the dog until the defect is corrected.

Amend RSA 466:54 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

466:54 Penalty. Any person, firm, partnership or corporation who violates any provision of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for subsequent offenses.

Amendment adopted.
Ordered to third reading.

HB 28-FN, relative to bridges and bridge aid. Ought to Pass with Amendment.

The bill revises the current law on state and town bridge aid by combining the two programs into a single bridge aid program. The percentage of the town's contribution is determined by the amount of the town's equalized valuation. Towns with the lowest equalized valuation (\$5,000,000 or less) would pay 1/8 of bridge construction or reconstruction costs to the state's 7/8 share, with several steps of valuations and percentage of costs up to towns and cities with equalized valuations of \$30,000,000 or more, which would pay 1/3 of the costs to the state's 2/3 share. The committee amendment, offered at the hearing by the sponsors, inserted the 1/8 category for towns with \$5,000,000 or less equalized valuation. Only three towns Hart's Location, Winsor and Ellsworth fall in that category. The Commissioner of Public Works and Highways may limit the amount of bridge aid for construction or reconstruction of bridges costing more than \$1,000,000. Vote 21-0. Rep. James A. Chandler for Public Works.

Amendment

Amend RSA 234:10 as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

234:10 Bridge Aid; How Cost Borne. When public convenience and necessity require the construction or reconstruction of any bridge on a class II or class V highway the cost thereof shall be borne as follows:

I. In towns whose equalized valuation does not exceed \$5,000,000 the town shall pay 1/8 and the state 7/8.

II. In towns whose equalized valuation is more than \$5,000,000 and is not more than \$10,000,000 the town shall pay 1/6 and the state 5/6.

III. In towns whose equalized valuation is more than \$10,000,000 and not more than \$15,000,000 the town shall pay 1/5 and the state 4/5.

IV. In towns whose equalized valuation is more than \$15,000,000 and not more than \$30,000,000 the town shall pay 1/4 and the state 3/4.

V. In towns whose equalized valuation is more than \$30,000,000 the town shall pay 1/3 and the state 2/3.

Amendment adopted.
Ordered to third reading.

HB 117-FN, relative to sunset review of operations and maintenance. Ought to Pass with Amendment.

House Bills 117, 121 and 134 are all Sunset review bills and are recommended for passage by the Committee. The amendments, identical in language except for the specific entities involved, accomplish recommendations of the Sunset staff. Section 3 of the amendments deletes from the statutes general law enforcement authority for the Department of Public Works and Highways staff since

they are not trained, equipped or organized for such duties. Law enforcement services will continue to be provided by the Division of State Police. The Turnpike Division supports the change. Section 4 of the amendments grants the Commissioner of Public Works and Highways the authority to adopt rules, under RSA 541-A (The Administrative Procedure Act), concerning the operation of the various entities of the turnpike system. Section 5 of the amendments inserts in statutes a procedure for the Commissioner to establish toll rates subject to approval by the Governor and Council. Vote 21-0. Rep. James A. Chandler for Public Works.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Highway Patrol. Amend RSA 237:19 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

237:19 Highway Patrol. Law enforcement and public safety services on the turnpike system shall be provided by the department of safety, division of state police. The cost of these services shall be a charge on the fund established under RSA 237:24.

4 Authority. Amend RSA 237:17 by inserting after subparagraph (n) the following new subparagraph:

(o) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the eastern New Hampshire turnpike. These rules shall include toll rates for use of the turnpike system.

5 Tolls. Amend RSA 237:24, I as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the following:

I. The commissioner of public works and highways, with the approval of the governor and council, shall adopt rules under RSA 541-A establishing toll rates and other charges for use of the eastern New Hampshire turnpike or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed rules establishing toll rates within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account, and the operating expenses and maintenance of the turnpike shall be paid from said account. From the balance remaining after payment of operation and maintenance, the governor, with the approval of the council, shall pay the interest and principal on the bonds issued hereunder. Fourteen days previous to the time said interest and principal are payable, the state treasurer shall examine the existing balance and if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit, and, if the funds in both of the above accounts are

insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. The full faith and credit of the state is pledged to the payment of the principal of and the interest on the bonds as they become due and payable. Any funds paid out from the state's general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for the completion of the turnpike by the department of public works and highways shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further toll road extensions in accordance with RSA 237:17(m). During the construction of the turnpike the governor may, if necessary, draw his warrant upon the highway fund to pay interest due on any bonds that have been issued in accordance with the provisions of this subdivision; such payment is to be repaid to the highway fund from the collection of tolls.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 121-FN, relative to sunset review of central New Hampshire turnpike operation. Ought to Pass with Amendment.

House Bills 117, 121 and 134 are all Sunset review bills and are recommended for passage by the Committee. The amendments, identical in language except for the specific entities involved, accomplish recommendations of the Sunset staff. Section 3 of the amendments deletes from the statutes general law enforcement authority for the Department of Public Works and Highways staff since they are not trained, equipped or organized for such duties. Law enforcement services will continue to be provided by the Division of State Police. The Turnpike Division supports the change. Section 4 of the amendments grants the Commissioner of Public Works and Highways the authority to adopt rules, under RSA 541-A (The Administrative Procedure Act), concerning the operation of the various entities of the turnpike system. Section 5 of the amendments inserts in statutes a procedure for the Commissioner to establish toll rates subject to approval by the Governor and Council. Vote 21-0. Rep. James A. Chandler for Public Works.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Highway Patrol. Amend RSA 237:35 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

237:35 Highway Patrol. Law enforcement and public safety services on the turnpike system shall be provided by the department of safety, division of state police. The cost of these services shall be a charge on the fund established under RSA 237:40.

4 Authority. Amend RSA 237:34 by inserting after subparagraph (m) the following new subparagraph:

(n) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the central New Hampshire turnpike. These rules shall include toll rates for use of the turnpike system.

5 Tolls. Amend RSA 237:40 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

237:40 Tolls. The commissioner of public works and highways, with the approval of the governor and council, shall adopt rules under RSA 541-A establishing toll rates and other charges for use of the central New Hampshire turnpike or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed rules establishing toll rates within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account, and the operating expenses and maintenance of the turnpike shall be paid from said account. From the balance remaining after payment of operation and maintenance, the governor, with the approval of the council, shall pay the interest and principal on the bonds issued hereunder. Fourteen days previous to the time said interest and principal are payable, the state treasurer shall examine the existing balance and, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit, and, if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. The full faith and credit of the state is pledged to the payment of the principal of and the interest on the bonds as they become due and payable. Any funds paid out from the state's general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for the completion of the turnpike by the department of public works and highways shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further turnpike extensions in accordance with RSA 237:34(m). During the construction of the turnpike the governor may, if necessary, draw his warrant upon the highway fund to pay interest due on any bonds that have been issued in accordance with the provisions of this subdivision; such payment is to be repaid to the highway fund from the collection of tolls.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 134-PN, relative to sunset review of state overhead charge. Ought to Pass with Amendment.

House Bills 117, 121 and 134 are all Sunset review bills and are recommended for passage by the Committee. The amendments, identical in language except for the specific entities involved, accomplish recommendations of the Sunset staff. Section 3 of the amendments deletes from the statutes general law enforcement authority for the Department of Public Works and Highways staff since they are not trained, equipped or organized for such duties. Law enforcement services will continue to be provided by the Division of State Police. The Turnpike Division supports the change. Section 4 of the amendments grants the Commissioner of Public Works and Highways the authority to adopt rules, under RSA 541-A (The Administrative Procedure Act), concerning the operation of the various entities of the turnpike system. Section 5 of the amendments inserts in statutes a procedure for the Commissioner to establish toll rates subject to approval by the Governor and Council. Vote 21-0. Rep. James A. Chandler for Public Works.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Highway Patrol. Amend RSA 237:6 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

237:6 Highway Patrol. Law enforcement and public safety services on the turnpike system shall be provided by the department of safety, division of state police. The cost of these services shall be a charge on the fund established under RSA 237:9.

4 Authority. Amend RSA 237:5, II by inserting after subparagraph (m) the following new subparagraph:

(n) Adopt rules, under RSA 541-A after public hearing, concerning the operation of the turnpike system. These rules shall include toll rates for use of the turnpike system.

5 Tolls. Amend RSA 237:9 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

237:9 Tolls. The commissioner of public works and highways, with the approval of the governor and council, shall adopt rules under RSA 541-A establishing toll rates and other charges for use of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed rules establishing toll rates within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account for the New Hampshire turnpike system and the operating expenses and maintenance costs of the system shall be paid from said account.

From the balance remaining after payment of operating expenses and maintenances costs, there shall be paid the interest and principal on the bonds issued to finance the system. Fourteen days previous to the time any such interest or principal is payable, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 237:10, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of public works and highways shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 237:5, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.
Ordered to third reading.

HB 65, increasing the legal drinking age to 21. Ought to Pass.

The Committee felt that, since Massachusetts had passed a June 1, 1985 effective date for a 21 year drinking age, New Hampshire must go along with 21, also. Maine will follow suit, but will not be "on line" until late this year. New Hampshire is adopting a progressive stance in this instance. Vote 12-7. Rep. Robert F. Delano for Regulated Revenues.

Rep. D'Amante moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.

Reps. Newman and Kelley spoke against the motion.

Rep. Alf Jacobson spoke in favor of the motion and yielded to questions.

Rep. Blais spoke in favor of the motion.

Rep. Kenneth MacDonald spoke against the motion and yielded to questions.

Rep. Newman requested a roll call.

Sufficiently seconded.

Rep. Robert Hayes abstained from voting under Rule 16.

(Speaker presiding)
YEAS 58 NAYS 304
YEAS 58

BELKNAP: Richard Campbell and Hawkins.

CARROLL: Gene Chandler.

CHESHIRE: Daniel Eaton, Perry, William Sullivan and Young.

COOS: Brungot, Coulombe, Ottolini and York.

GRAFTON: Copenhaver, Wayne King, Scanlan, Stewart and Taffe.

HILLSBOROUGH: Arris, Barry, Blais, Cote, Crotty, Durant, Dwyer, Dykstra, Fields, Herod, Hogan, Hyman, Jasper, Michael Jones, Norman Packard, Raiche, Reardon, Turgeon, Lucille Wood and Zis.

MERRIMACK: Laurent Boucher, Cailler, Connolly, Alf Jacobson, Pannell, Phelps and Gerald R. Smith.

ROCKINGHAM: Blanchette, Case, Thomas Gage, Gourdeau, Hollingworth, Scamman, Sloan and Wells.

STRAFFORD: Keans, Laurion and Bruce Packard.

SULLIVAN: Brodeur, D'Amante, Mehegan and Schotanus.

NAYS 304

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Delano, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Ramsay, Ridge, William Riley, Schwartz, Scranton, Secord and Thompson.

COOS: Harold Burns, Chardon, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Mayhew and Theriault.

GRAFTON: Bean, Bennett, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, LaMott, Mann, McAvoy, Rounds, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Beaupre, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Donovan, Ducharme, Duperron, Duprey, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Holden, Humphrey, Chris Jacobson, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Reidy, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith,

Steiner, Stonner, Mary Sullivan, Tamposi, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn and Worthen.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Bowes, Cate, James Chandler, Daniell, Fraser, Gilbreth, George Gordon, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pantzer, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Bangs, Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Felch, Flanagan, Harry Flanders, Beverly Gage, Goss, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Dingle, Albert Dionne, Donnelly, Patricia Foss, Frechette, Frew, Robert Jones, Kincaid, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Call, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Rep. Emanuelson notified the Clerk that he wished to be recorded against the motion, Inexpedient to Legislate, on HB 65.

Question being on the Committee report.
Ordered to third reading.

HR 13, relative to low-level radioactive waste management compact. Ought to Pass. This resolution authorizes the State-Federal Relations Committee to continue to actively study and negotiate with New York, Massachusetts or any other state in making an agreement, either jointly or individually, relative to the disposal of low-level radioactive waste. Vote 12-0. Rep. Edna Pearl F. Parr for State-Federal Relations.

Ordered to third reading.

HB 29, providing for special number plates for organizations serving persons with a walking disability. Ought to Pass. The Department of Safety indicates that there have been many requests for these plates. Passage of bill would result in

better service to the handicapped. Vote 9-3. Rep. Stephen Sloan for Transportation.

Ordered to third reading.

Rep. Tucker offered the following:

HOUSE RESOLUTION NO. 18

honoring Representative
Joseph M. Eaton of Hillsborough.

WHEREAS, Joseph M. Eaton currently is serving his 13th consecutive term as an honorable member of the New Hampshire House of Representatives, having faithfully administered to the best interests of his constituents in District 2 of Hillsborough County, and

WHEREAS, for 24 consecutive years, Joseph M. Eaton has never been absent from a House session or a committee hearing, and during that time has demonstrated incomparable leadership, dedication and legislative wisdom, thus earning the respect and admiration of his colleagues, and

WHEREAS, Joseph M. Eaton, during his untiring service, has been an articulate and attentive member of the Standing Committees on Aviation; Executive Departments and Administration; Appropriations, including three terms as Chairman; and is now in his seventh consecutive term as Chairman of Constitutional and Statutory Revision, and

WHEREAS, Joseph M. Eaton has responsibly and effectively served in other chairmanships of importance including those for the Republican State Platform Committee and the Joint Committee of Legislative Ethics, and

WHEREAS, Joseph M. Eaton is recognized for his integrity, uncompromising ethics and knowledge of the legislative process and political system, thus leading the state's media to regularly seek out his expert opinion and assessments, and

WHEREAS, his wit and wonderful way with words has produced countless moments of mirth and laughter in the committee rooms and on the floor of the House which has enlivened the many long hours, and

WHEREAS, he has brought honor and distinction to the town of Salisbury, Massachusetts for having been born there on December 1, 1901; to Boston University for having graduated from there in 1926 with a degree in business administration; to his family of one son, two daughters and wife, Mildred, whom he married on June 28, 1930, now therefore be it

RESOLVED, by the Speaker of the House, that on this occasion, Joseph M. Eaton being named recipient of the Hillsborough Chamber of Commerce's first annual Citizen of the Year award, that Mr. Eaton's outstanding record of public service and legislative accomplishment be publicly acknowledged and acclaimed, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

Reps. Skinner and Mace offered the following:

HOUSE RESOLUTION NO. 19

congratulating Kris Porter
of Windham.

WHEREAS, the National Soccer Association named Kris Porter a high school All America for her outstanding play in 1984 as the varsity goalie for the Pinkerton Academy girl's team, and

WHEREAS, Kris Porter has had an impressive three-year varsity soccer career at Pinkerton Academy, leading the girl's team to three consecutive winning seasons, winning 28 games, tying 10 and losing but 8 with 18 shutouts to her credit, and

WHEREAS, Kris Porter has been selected to play in the annual New Hampshire-Vermont Lions Cup 1985 soccer game for seniors, and

WHEREAS, Kris Porter has received other soccer awards including being named to the 1984 All New England Girl's Soccer team, the 1983 and 1984 All State teams, and the 1983 and 1984 Lawrence Eagle Tribune's first teams, and

WHEREAS, Kris Porter is a consistent honor roll student who ranks in the top 15 percent of her class, and has been a credit to her family, school and to New Hampshire for her dedication, hard work and sportsmanship, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Kris Porter be commended and applauded for her athletic and academic achievements, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 7 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for 2 years.

HB 23, relative to the penalties for violations in connection with the taking of marine species.

HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries.

HB 24-FN, permitting a county executive committee to hire an executive assistant.

HB 7, relative to the rulemaking authority of the adjutant general of the New Hampshire national guard.

HB 115-FN, relative to sunset review of the veterans council.

HB 158-FN, relative to sunset review of training education.

HB 159-FN, relative to sunset review of adjutant general maintenance preparation force.

HB 116-FN, relative to sunset review of estimated revenue.

HB 133-FN, relative to sunset review of estimated revenue.

HB 139-FN, relative to sunset review of central New Hampshire turnpike maintenance.

HB 140-FN, relative to sunset review of turnpikes administration overhead.

HB 150-FN, relative to sunset review of central New Hampshire turnpike debt service.

HB 10, relative to police presence at public meetings or functions.

HB 30, relative to the control and restraining of guard dogs.

HB 28-FN, relative to bridges and bridge aid.

HB 117-FN, relative to sunset review of operations and maintenance.

HB 121-FN, relative to sunset review of central New Hampshire turnpike operation.

HB 134-FN, relative to sunset review of state overhead charge.

HB 65, increasing the legal drinking age to 21.

HR 13, relative to low-level radioactive waste management compact.

HB 29, providing for special number plates for organizations serving persons with a walking disability.

HCR 2, adopting joint rules for 1985.

Rep. John Tucker, for the entire House of Representatives, offered the following:

HOUSE RESOLUTION NO. 20

memorializing Representative
John H. Stimmell
of Northwood.

WHEREAS, John H. Stimmell, between 1969 and 1984, was elected to eight consecutive terms in the New Hampshire House of Representatives, faithfully serving his constituents in the first District of Rockingham County, and

WHEREAS, John H. Stimmell served devotedly on the Standing Committee on Fish and Game for 14 years including two years as Vice Chairman and 10 years as Chairman, and WHEREAS, John H. Stimmell was a valuable and conscientious elected official who was admired and respected by his colleagues for his leadership and legislative wisdom, and WHEREAS, John H. Stimmell lived 73 of his 80 years in New Hampshire and served his community in many ways including as a member of the Northwood Budget Committee for more than 12 years, and

WHEREAS, his honorable colleagues in the House of Representatives feel a deep sense of loss at his passing, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened,

that he be publicly recognized and be given highest commendation for his service to the State and its residents, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:12 p.m.

RECESS

(Rep. Chambers in the Chair)

Reps. Newman and Ridge offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 187 through 199 and 201 through 214, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF BILLS

First, second reading and referral

HB 187, relative to antitrust liability of municipalities in planning and zoning. (Grodin of Cheshire Dist. 6 - To Municipal and County Government)

HB 188-FN, authorizing the director of motor vehicles to issue special number plates for firefighters. (Fields of Hillsborough Dist. 13; Guay of Coos Dist. 7; Keans of Strafford Dist. 11 - To Transportation)

HB 189-FN, relative to the tax on the transfer of real property. (Schmidtchen of Rockingham Dist. 23; H. Watson of Hillsborough Dist. 13 - To Ways and Means)

HB 190, permitting access to personnel files of former employees. (Blanchette of Rockingham Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 191-FN, relative to the liability for the transportation for educational purposes of children in group homes or health care facilities. (Taffe of Grafton Dist. 6 - To Education)

HB 192, relative to trespass by land surveyors. (Raynowska of Rockingham Dist. 20 - To Judiciary)

HB 193, relative to the Rockingham county jail. (Burdick of Rockingham Dist. 7 - To Municipal and County Government)

HB 194, relative to railroad rights-of-way. (Newcombe of Hillsborough Dist. 25 - To Public Works)

HB 195, relative to public employee labor negotiations. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 196, relative to runners upon public ways. (Burdick of Rockingham Dist. 7 - To Public Protection and Veterans Affairs)

HB 197-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. (Taffe of Grafton Dist. 6; Robinson of Hillsborough Dist. 14; Bolduc of Belknap Dist. 10 - To Education)

HB 198-FN, relative to school building aid for the Conway school district. (Dickinson of Carroll Dist. 2; Housnell of Carroll Dist. 2; Chandler of Carroll Dist. 1; Ashnault of Carroll Dist. 2; Heath of Dist. 3 - To Education)

HB 199-FN, authorizing the position of assistant county attorney for Carroll county. (MacDonald of Carroll Dist. 6; McIntire of Carroll Dist. 4 - To Municipal and County Government)

HB 201-FN, relative to interstate bank acquisition. (Quimby of Rockingham Dist. 7; Crory of Grafton Dist. 12; Guay of Coos Dist. 7; Sullivan of Cheshire Dist. 12; Christy of Grafton Dist. 11; Wood of Hillsborough Dist. 22; Lamy of Hillsborough Dist. 46; Bartlett of Dist. 19 - To Commerce, Small Business and Consumer Affairs)

HB 202-FN, restricting the use of dealer plates issued to motor vehicle dealers. (Phelps of Merrimack Dist. 1; Palumbo of Rockingham Dist. 10 - To Transportation)

HB 203-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. (Easton of Grafton Dist. 11; Matson of Cheshire Dist. 7 - To Public Works)

HB 204-FN, authorizing the director of motor vehicles to issue number plates with the word "Naturally" in place of the state motto. (Arris of Hillsborough Dist. 19 - To Transportation)

HB 205, repealing statutes affecting an agency that has been unsettd. (Dexter of Belknap Dist. 8; Quimby of Rockingham Dist. 7; Bass of Hillsborough Dist. 7; Townsend of Sullivan Dist. 1; King of Grafton Dist. 6; St. Jean of Dist. 20 - To Legislative Administration)

HB 206-FN, increasing the fee for duplicate drivers' licenses. (Rogers of Merrimack Dist. 6 - To Transportation)

HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 208, relative to penalties for violations of the planning and zoning statutes. (McCain of Rockingham Dist. 11; Butler of Rockingham Dist. 11; Johnson of Dist. 17 - To Municipal and County Government)

HB 209, relative to gifts to the state. (Chandler of Merrimack Dist. 21 - To Legislative Administration)

HB 210, requiring employers who fail to properly enroll employees in the New Hampshire retirement system to pay the employee contribution. (Matson of Cheshire Dist. 7 - To Executive Departments and Administration)

HB 211, relative to trapping beaver and otter. (Foss of Coos Dist. 2 - To Fish and Game)

HB 212, relative to emergency medical services. (White of Belknap Dist. 1 - To Health and Human Services)

HB 213, relative to stream classification standards and enforcement. (Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)

HB 214-FN, establishing a special fund in the highway fund for litter removal, funded by 1/15 of beer tax revenues; reimbursing the highway fund for 1985 litter removal costs and making an appropriation therefor; and transferring excess litter removal funds to the statewide lilac account. (LaMott of Grafton Dist. 5; Rounds of Grafton Dist. 10; Bibbo of Merrimack Dist. 3 - To Ways and Means)

RECESS

(Rep. Ann Torr in the Chair)

Rep. Zechausen offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 215 through 224 and 226 through 230, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF BILLS

First, second reading and referral

HB 215-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Locke of Merrimack Dist. 9; Eaton of Cheshire Dist. 4; Locke of Belknap Dist. 6; Phelps of Merrimack Dist. 1 - To Transportation)

HB 216-FN, authorizing superintendents of houses of correction and administrative heads of jails to place convicted inmates at labor on state, county or municipal work projects not to exceed 8 hours per day 5 days per week. (Murphy of Hillsborough Dist. 40; Sylvia of Hillsborough Dist. 1; Sullivan of Hillsborough Dist. 39 - To Judiciary)

HB 217, relative to the use or nonuse of seat belts. (Gordon of Merrimack Dist. 7; Boucher of Rockingham Dist. 23; Coulombe of Coos Dist. 8; Stephen of Dist. 18; Lessard of Dist. 21 - To Transportation)

HB 218-FN, reimbursing the town of Nottingham for fire fighting expenses in the Pawtuckaway state park and making an appropriation therefor. (Sherburne of Rockingham Dist. 2; Lessard of Dist. 21 - To Appropriations)

HB 219, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. (Sylvia of Hillsborough Dist. 1 - To Fish and Game)

HB 220, relative to driving while intoxicated. (Sylvia of Hillsborough Dist. 1 - To Judiciary)

HB 221, relative to replacement or new highway signs. (Eaton of Cheshire Dist. 4 - To Public Works)

HB 222-FN, legalizing the 1983 annual meeting of the New London Water System Precinct. (Kidder of Merrimack Dist. 2 - To Municipal and County Government)

HB 223-FN, defining prestige number plates as vanity plates. (Gordon of Merrimack Dist. 7; Anderson of Merrimack Dist. 7; Locke of Merrimack Dist. 9; Rehlander of Merrimack Dist. 8; Roberge of Dist. 9; White of Dist. 11; Bartlett of Dist. 19 - To Transportation)

HB 224-FN, relative to appointments to the public utilities commission and making an appropriation therefor. (Kohl of Cheshire Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 226-FN, relative to automatic fire warning devices in hospital rooms. (Spaulding of Sullivan Dist. 6; O'Brien of Strafford Dist. 9 - To Public Protection and Veterans Affairs)

HB 227, relative to food service licensure. (Townsend of Sullivan Dist. 1 - To Health and Human Services)

HB 228, relative to continuing education for real estate brokers. (Sloan of Rockingham Dist. 6 - To Executive Departments and Administration)

HB 229, relative to safe and adequate septic systems. (Woodward of Rockingham Dist. 18 - To Municipal and County Government)

HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company. (Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 5

Thursday, 7Feb85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, our election to this House puts us in a position of dealing with people's lives. That is not to say we become like a warden in a prison, or like a mother superior of a convent, or even like a keeper of a zoo. Help us to think of ourselves as agents who act on behalf of our fellow citizens who have given us this power. Help us to be listening, caring, supportive and concerned for all the people of the State. Help us to hear both sides of each question and give us wisdom to discern the truth in each matter. Amen.

Rep. Chris Jacobson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hardy, George Jones, Anderson, Olimpio, Durant, Hawkins, Pressly, Pantelakos, Hendrick and Connors, the day, illness.

Reps. Edward Flynn, Donovan, Wood and Bolduc, the day, important business.

INTRODUCTION OF GUESTS

Phyllis Raynowska, wife of Rep. Raynowska.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 231 through 239 and House Bill of Intent numbered 2001, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS and HBI First, second reading and referral

HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages. (Fields of Hillsborough Dist. 13 - To Regulated Revenues)

HB 232-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a

water use permit fee. (Sloan of Rockingham Dist. 6; Gordon of Cheshire Dist. 5; Johnson of Dist. 17 - To Resources, Recreation and Development)

HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor. (Sallada of Hillsborough Dist. 4; Campbell of Rockingham Dist. 20; Scamman of Rockingham Dist. 19 - To Ways and Means)

HB 234, relative to public utility rate increases. (Young of Cheshire Dist. 1; Arnott of Cheshire Dist. 14; Schwartz of Cheshire 13 - To Commerce, Small Business and Consumer Affairs)

HB 235, authorizing the town of Rollinsford to establish a hydroelectric reserve fund. (Dionne of Strafford Dist. 5 - To Municipal and County Government)

HB 236-FN, relative to town police execution in Rockingham county of orders of arrest by district courts. (Burdick of Rockingham Dist. 7 - To Municipal and County Government)

HB 237, relative to the savings accounts of minors. (Millard of Merrimack Dist. 4; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 238, providing that certain emergency vehicles be exempt from length and weight requirements. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way. (Murphy of Hillsborough Dist. 40 - To Public Works)

HBI 2001, relating to the establishment of a state tourism policy. (Meader of Strafford Dist. 10 - To Resources, Recreation and Development)

THREE-LEGISLATIVE DAY EXTENSIONS GRANTED

Rep. Ward moved that the Committee on Executive Departments and Administration be granted a three-legislative day extension on HB 26, establishing a department of libraries and cultural affairs, and HB 27, establishing a department of education. Granted.

Rep. Sytek moved that the Committee on Judiciary be granted a three-legislative day extension on HB 8, prohibiting bail pending appeal for persons convicted of certain offenses. Granted.

Rep. Vartanian moved that the Committee on State Institutions and Housing be granted a three-legislative day extension on HB 9, relative to the eminent domain powers of housing authorities. Granted.

SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HCR 2, adopting joint rules for 1985.

Amendment

Amend Joint Rule 24 by striking out said rule and inserting in place thereof the following:

24(a) First-Year Session. Any legislation not disposed of by any other motion in the first-year session by midnight on July 1 of the first-year session shall be indefinitely postponed for the remainder of the biennium.

(b) Second-Year Session. Consideration of all legislation introduced on or before July 1 of the second-year session shall be terminated at midnight on July 1 of the second-year session and any bill not passed by both bodies by this date and time shall be indefinitely postponed for the purposes of the 1985-1986 regular session of the General Court. If after July 1 of the second-year session the two bodies of the General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1 of second-year session. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies, voting separately. Any new legislation so introduced shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

Reps. Rounds and Chambers moved that the House concur.

Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 67, to allow a designee from the office of the attorney general to serve on the board of trust company incorporation in place of the attorney general. Ought to Pass with Amendment.

The purpose of this bill, as amended, is to permit the State Treasurer and Attorney General to designate their staff to sit on the Board of Trust Company, Inc. in their place when they choose. Vote 16-0. Rep. Conrad Quimby for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to allow a designee from the office of the attorney general and a deputy treasurer to serve on the board of trust company incorporation in place of the attorney general and the state treasurer.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Board of Trust Company Incorporation. Amend RSA 392:1 as amended by inserting after the word "treasurer" in line 1 the following (, or a deputy treasurer,) and by inserting in line 2 after the words "attorney general" the following (, or a designee from the office of the attorney general,) so that said section as amended shall read as follows:

392:1 Incorporation Board. The bank commissioner, the state treasurer, or a deputy treasurer, and the attorney general, or a designee from the office of the attorney general, shall constitute a board for the incorporation of trust companies and other corporations of a similar character, shall be known as the board of trust company incorporation, and shall receive no compensation for services on this board. The deputy bank commissioner shall serve as clerk of the board. Provided, that if at the effective date of this act there shall be pending any matter before the board as constituted prior to such effective date, the board as so constituted shall remain in existence with respect to such matter and shall retain jurisdiction thereof until final decision shall have been rendered thereon.

HB 101, relative to sunset review of small loan and vehicle finance. Ought to Pass.

The Sunset Committee and this Committee find the re-creation of the PAU, which finances the regulation of small loan and vehicle finance, should be continued. Vote 17-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

HB 16, raising the amount from \$500 to \$1,000 that must be reported by political committees and political candidates. Inexpedient to Legislate.

The committee feels that donations or expenditures over \$500 should be reported. Vote 12-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

HB 35, relative to preparing and correcting checklists in village districts. Ought to Pass.

This bill provides that any village district shall use the same checklist as a town uses. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 46, relative to sealing and certifying ballots. Ought to Pass. This bill simply allows a selectman's designee to sign the ballot box so that the signing will take place the night of election. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 63, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene. Ought to Pass.

This bill has been agreed on by the Democrats, Republicans and city officials. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 68, changing the dates for observance of Memorial Day and Veterans Day. Inexpedient to Legislate.

As Veterans Day has already been taken care of by the Federal Government, HB 49 will cover Memorial Day. Vote 12-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

HB 38, requiring the state board of education, through the commissioner, to adopt rules relative to guidelines on notifying parents when students are absent. Inexpedient to Legislate.

The State Board of Education has already adopted policy with regards to student attendance and asked school districts to do likewise. Therefore, this bill is unnecessary. Vote 20-0. Rep. William J. Hounsell for Education.

HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming. Ought to Pass.

The public hearing was in strong support of this bill except for one individual. It appears to be well agreed that modern sod farming does not materially deplete the soil. It also preserves the land in open space. Vote 21-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 54, relative to the maintenance of horses. Ought to Pass with Amendment.

House Bill 54 provides that horses have proper exercise and feed, and areas that are properly cleaned and drained. Also, it adds enforcement powers. Vote 22-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Veterinary Care. Amend RSA 575-C:2 (supp) as inserted by 1983, 231:1 by striking out said section and inserting in place thereof the following:

575-C:2 Proper Care.

1. No person shall overdrive, overwork or overload a horse in his care. No person shall buy, sell or exchange any horse that is unfit to be used for riding, driving, draft or reproduction purposes, unless it is for rehabilitation or slaughter. No person shall torture, beat, mutilate or abandon any horse, or aid in such abuse, or permit any horse in his care to be subject to abuse of any kind.

II. No person shall restrict the exercise of a horse to the point of causing muscle deterioration, unless directed by a veterinarian licensed to practice in the state.

2 No Presumption Created. Amend RSA 575-C:3 (supp) as inserted by 1983, 231:1 by striking out said section and inserting in place thereof the following:

575-C:3 Proper Feeding. All horses shall receive roughage in proportion to their size, age, temperament and amount of work they are required to perform. Grain may also be required when roughage alone will not meet their daily nutritional requirements. All horses shall be fed on a regular daily schedule, and all food shall be clean and free from excessive moisture. All horses shall always have available a sufficient quantity of fresh water and of salt in either loose or block form. However, the mere presence of roughage, water, or grain on the premises shall not constitute a presumption or evidence of proper feeding.

3 Clean Shelter. Amend RSA 575-C:4 (supp) as inserted by 1983, 231:1 by striking out said section and inserting in place thereof the following:

575-C:4 Shelter Available.

1. An adequately ventilated and dry barn or a windbreaker roofed and with at least 3 sides shall be provided and accessible to horses (November 1 through April 15) during which time horses kept in paddocks or pastures with a roofed windbreaker shelter shall not be kept tied but shall be able to move around freely. Horses housed in barns or other enclosed stables shall have stalls of sufficient size so that the horse is able to lie down. The enclosed area in which horses are kept shall have proper drainage and shall be maintained in a sufficient state of cleanliness so that the horses will not become diseased and shall be comfortable.

4 Enforcement. Amend RSA 575-C by inserting after section 5 the following new section:

575-C:5-a Enforcement. Any law enforcement officer, upon the recommendation of a humane organization, or its representative, or the state veterinarian, shall have authority to enforce the provisions of RSA 575-C.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 37, relative to building inspectors. Inexpedient to Legislate.

This bill could limit the ability of small towns and cities to appoint a building inspector as required by zoning ordinances. Alternate method of providing additional necessary inspection by State Board of Electricians is not feasible due to lack of funds. Vote 17-0. Rep. William F. McCain for Executive Departments and Administration.

HB 41, relative to saltwater fishing and shellfish. Ought to Pass with Amendment.

This is merely a housekeeping bill on commercial fishing with mobile gear to clear up the language in previously passed legislation and to repeal certain laws that the Fish and Game Department feels are no longer necessary. Vote 14-0. Rep. Charles H. Felch, Sr., for Fish and Game.

Amendment

Amend RSA 211:49, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. No person shall use mobile gear for the taking of fin fish or crustaceans in the ocean waters under the jurisdiction of the state of New Hampshire between the dates of April 15 and December 15. The taking of all species of salmon (Salmonidae) and striped bass (*Morone saxatilis*) is prohibited at any time by netting in any form. For the purposes of this section, mobile gear shall include but not be limited to otter trawl, mid-water trawls, beam trawl, pair trawls, drag seines, purse seines, and Scottish seines.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Effective Date. This act shall take effect upon its passage.

HB 61, providing hunting privileges for certain convicted felons. Inexpedient to Legislate.

This bill is preempted by federal law, therefore is not an issue which should be handled by the State. Vote 17-0. Rep. Richard H. Duprey for Judiciary.

HB 33, authorizing the owner of the outlet at Robinson pond in the town of Hudson to construct a lake level management structure. Ought to Pass with Amendment. This bill, as amended, authorizes the Town of Hudson to construct and maintain a dam at the present site of the old "lake level management structure" after the town has received all necessary rights and easements, as well as approval from the Water Resources Board. The Dam Management Review Committee unanimously supports HB 33, as amended. Vote 20-0. Rep. Howard C. Dickinson, Jr., for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

An Act

authorizing the town of Hudson to construct a dam at Robinson Pond.

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Dam Authorized. If the water resources board, after an investigation pursuant to RSA 484, approves the proposed project, the town of Hudson, having received all necessary rights and easements from the present dam site owners, is authorized, as required by RSA 482:2-c, to construct and maintain at town expense a dam at the present site on the outlet of Robinson Pond

in the town of Hudson, at an elevation such that the normal water level shall closely approximate 211.5 feet, N.G.V.D. (Natural Geodetic Vertical Datum).

HB 48, providing for the acquisition of Jones Pond dam by the department of fish and game. Ought to Pass.

This bill authorizes the Fish and Game Department to acquire a dam in the middle of 863 acres already owned by the Department, in the town of Middleton. The land was acquired earlier, for a wildlife management area in 1983, and this bill will permit the transfer of title of the dam site to the state. The Dam Management Review Committee recommended the state acquire the dam. Vote 20-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 120-FN, relative to sunset review of Saco watershed commission. Inexpedient to Legislate.

Since this commission was established in 1977, it has been relatively inactive and failed to coordinate its efforts with a corresponding commission in the State of Maine. If there is sufficient interest in re-establishing this commission in the future, the Committee will be pleased to do so. Vote 19-1. Rep. Howard C. Dickinson, Jr., for Resources, Recreation and Development.

HB 136-FN, relative to sunset review of the northeastern forest fire protection commission. Ought to Pass.

The Committee finds that there is a public need for the Northeastern Forest Fire Protection Commission (NFFPC) and recommends that New Hampshire's participation be continued. Vote 20-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 145-FN, relative to sunset review of Maine-New Hampshire commission on oceanography. Inexpedient to Legislate.

There are other state agencies with responsibilities in regard to oceanographic concerns. For instance, the Port Authority has certain duties in port areas and Fish and Game Department controls ocean fishing off New Hampshire coast. Also, the Marine Research and Development Program of the University of New Hampshire studies oceanographic concerns in cooperation with the University of Maine. Vote 20-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 52-FN, increasing the fee for dealers' motor vehicle plates. Inexpedient to Legislate.

This bill increases the fee of dealers' motor vehicle plates from one dollar to two, a one hundred percent increase. Testimony before the Committee did not convince the Committee that this amount of increase was necessary at this time. Vote 13-0. Rep. Milton A. Cate for Transportation.

HB 69, relative to seat or safety belts for children and certain other persons. Inexpedient to Legislate.

Although the intent of the sponsor is laudatory, the Committee feels that the enforcement of this bill would be impractical. Vote 13-0. Rep. John Hoar, Jr., for Transportation.

COMMITTEE REPORTS
(Regular Calendar)

CACR 1, relating to the amount in controversy for the right to a jury trial in civil cases. Providing that the amount in controversy for the right to jury trial must exceed \$2,500. Ought to Pass.

The present \$500 limit on civil cases has been counterproductive in that litigants with the right for jury trial lose their right to a speedy trial. The Judicial Council informs the Committee that delays of 1 year are almost universal and delays of two to three years in some counties, waiting for a jury trial. Cost to the state is reported as \$1,000 or more per trial without assurance that enough witnesses will be available after a long delay. Increase to \$5,000 was not accepted by popular vote and the Committee, by unanimous vote, submits the \$2,500 limit is more realistic than the current \$500 amount. Vote 12-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

(Speaker presiding)
YEAS 316 NAYS 13
YEAS 316

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Golden, Malcolm Harrington, Holbrook, Jensen, Matthew Locke, Randall, James J. White and Zeckhausen.

CARROLL: Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Arnott, Burley, Crane, Davis, Frink, Irvin Gordon, Grodin, Kohl, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Copenhaver, Densmore, Driscoll, Easton, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Bass, Beaupre, Bernier, Blais, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Crotty, Ducharme, Duperron, Duprey, Dwyer, Dykstra, Clyde

Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Newcombe, Nute, O'Rourke, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Pellow, Perham, Prestipino, Reardon, Reidy, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn and Worthen.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Connolly, Daniell, Fraser, Glibreth, Gross, Alf Jacobson, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Conroy, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Newman, Palumbo, Parr, Pevear, Popov, Raynowska, Norman Rogers, Sanderson, Schmidttchen, Schwaner, Seward, Sherburne, Simon, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Frechette, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 13

BELKNAP: Dexter.

CARROLL: Ashnault and Schofield.

CHESHIRE: Delano.

COOS: None.

GRAFTON: Christy.

HILLSBOROUGH: August, Cote, Hyman and Zis.

MERRIMACK: Barberia and George Gordon.

ROCKINGHAM: Welch.

STRAFFORD: None.

SULLIVAN: Lindblade, and the resolution was adopted by the constitutional requirement of three-fifths.

Rep. Crory notified the Clerk that she wished to be recorded in favor of CACR 1.

CACR 2, relating to amending the constitution. Providing that a maximum of 5 legislatively proposed constitutional amendments may appear on the ballot at each biennial November election, except elections following a constitutional convention, when the legislature may propose a maximum of 2 amendments and the convention may propose a maximum of 5 amendments. Inexpedient to Legislate.

The Committee feels it is inappropriate to impose artificial limits on the number of constitutional amendments which may be placed before the people either by the Legislature or the Constitutional Convention. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Committee report adopted.

HB 49, changing the date for observance of Memorial Day. Ought to Pass.

This bill will change the state's observance of Memorial Day to coincide with the national observance of the day. New Hampshire is the only New England state, and only one of 4 states nationwide, that does not observe on the fourth Monday in May. This inconsistency precludes family celebration of this important holiday. Vote 9-3. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Rep. Kenneth Wheeler moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.

Reps. Howard Mason, Bryant, James Chandler, Stewart, Shriver and Sara Townsend spoke against the motion.

Rep. Russell Chase spoke in favor of the motion and yielded to questions.

Reps. Matson and Vaughn spoke against the motion and yielded to questions.

Reps. Young, Levesque, James J. White, Stewart, Ingram, George Gordon and Fields spoke in favor of the motion.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Kenneth Wheeler requested a roll call. Sufficiently seconded.

YEAS 138 NAYS 232

YEAS 138

BELKNAP: Brown, Golden, Jensen, Matthew Locke, Randall and James J. White.

CARROLL: Ashnault, Russell Chase, Dickinson and Hounsell.

CHESHIRE: Burley, Crane, Frink, Elmer Johnson, Morse and Young.

COOS: Brideau, Brungot, Chappell, Coulombe, Guay, Lamontagne, Marsh, Mayhew and York.

GRAFTON: Bennett, Christy, Driscoll, LaMott, Mann, McAvoy, Howard Townsend and Whitcomb.

HILLSBOROUGH: Arris, Barry, Beaupre, Blais, Robert Blanchette, Bridgewater, Leslie Burns, Carragher, Clancy, Cronin, Ducharme, Clyde Eaton, Fields, Gagnon, Scott Green, Marian Harrington, Healy, Herod, Humphrey, Hyman, Lamy, Levesque, Lozeau, Martin, McGlynn, Messier, Elizabeth Moore, Morrisette, O'Rourke, Paradis, Perham, Raiche, Reidy, Frances Riley, Sallada, Steiner, Mary Sullivan, Tamposi, Turgeon, Harold Watson, Emma Wheeler, Kenneth Wheeler, Winn and Worthen.

MERRIMACK: Barberia, Bibbo, Cate, Gilbreth, George Gordon, Hayes, Alf Jacobson, Arthur Locke, Millard, Pannell, Roberts, Linwood Rogers, Savaria, Shepard, Stio and James Whittemore.

ROCKINGHAM: Benton, William Boucher, Butler, Lawrence Chase, Clay, Day, Ellyson, Harry Flanders, Goss, Hoar, Robert Johnson, Kane, George Katsakiores, Roger King, Longworth, Mace, Magoon, McCain, Benjamin Moore, Newman, Parr, Raynowska, Norman Rogers, Scamman, Tufts, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bernard, Chamberlin, Donnelly, Frechette, Hussey, Kincaid, Lussier, Meader, Musler, Henry Sullivan and Ralph Torr.

SULLIVAN: Call, Disnard, Ingram, Mehegan and Rodeschin.

NAYS 232

BELKNAP: Birch, Bowler, Brough, Richard Campbell, Dexter, Malcolm Harrington, Holbrook, Pearson and Zeckhausen.

CARROLL: Gene Chandler, Robert Holmes, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Kohl, Matson, Miller, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan and Thompson.

COOS: Harold Burns, Chardon, Frederic Foss, Horton, Ottolini and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Hutchings, Michael King, Wayne King, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, August, Bass, Bernier, Lionel Boucher, Bourdon, Bourque, Boutwell, Burkush, John Burns, Chagnon, Champagne, Charron, Chretien, Cote, Cox,

Crotty, Duperron, Duprey, Dwyer, Dykstra, Joseph Eaton, Nancy Ford, Fried, Grip, Hogan, Holden, Chris Jacobson, Michael Jones, Keefe, Kelley, Knight, Labombarde, Lown, Howard Mason, Murphy, Nelson, Newcombe, Nute, Bonnie Packard, Norman Packard, Pappas, Paquette, Pariseau, Parmenter, Pellow, Prestipino, Reardon, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Stonner, Sylvia, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Frank Whittemore, M. Arnold Wight and Zis.

MERRIMACK: Allgeyer, Laurent Boucher, Bowes, Cailler, James Chandler, Connolly, Fraser, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Gerald R. Smith, Wallner and West.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchard, Blanchette, Burdick, Marilyn Campbell, Case, Conroy, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Joslyn, Phyllis Katsakiores, Krasker, Lovejoy, Malcolm, Robert Mason, McKinney, Nagel, Newell, Palumbo, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Vartanian, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Berkey, Bryant, Burton, Callahan, Diamant, Dingle, Albert Dionne, Patricia Foss, Robert Jones, Keans, Laurion, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Domini, Paul Johnson, Lindblade, McKee, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. Felch notified the Clerk that he inadvertently voted nay and meant to vote yea.

Question now being on the Committee report, Ought to Pass.

Ordered to third reading.

HR 16, relative to the office of waste management, division of public health services, department of health and human services. Ought to Pass with Amendment.

The Committee wishes to consider HB 51 to determine whether or not there is a necessity for legislation regarding economic impacts in the permitting process. The amended resolution states that the sense of the House is that the Office of Waste Management should defer any permitting of hazardous waste facilities until HB 51 is acted upon by the General Court. Vote 18-4. Rep. Barbara B. Bowler for Environment and Agriculture.

Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

WHEREAS, the general court has adopted into law RSA 147-A, 147-B, 147-C, and 147-D, for the purpose of establishing and creating a comprehensive plan for the control and disposal of hazardous waste materials, and

WHEREAS, the general court thereby created the bureau of solid waste management, now the office of waste management, division of public health services (the "office"), for the purpose of administering and controlling the treatment of hazardous waste, including the responsibility for reviewing all applications for the construction of new hazardous waste facilities, and

WHEREAS, it was intended by the aforesaid legislation that the office would adopt comprehensive rules to consider all factors and circumstances which would bear upon the siting of any new hazardous waste facility, including the economic impacts which any such facility would have, and

WHEREAS, the office has yet to adopt rules which address, account for, or establish standards to judge the economics impact which any such facility might have, and

WHEREAS, proposed legislation has been introduced for consideration by the 1985 session of the general court to make clear that it shall be the responsibility of the office to adopt rules which will establish guidelines and standards for judging the economic impacts which a proposed hazardous waste facility may have and that it is the responsibility of the office to apply those standards to all pending and future applications, now, therefore be it

RESOLVED, by the House of Representatives, that it is the sense of this body that the office should defer any granting of permits for any hazardous waste facilities until such time as the general court has had the opportunity to act upon the aforementioned proposed legislation.

Amendment adopted.

Ordered to third reading.

VACATE

Rep. Paul Meader moved that the House vacate the reference of HB 232, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 232 to the Committee on Transportation.

THREE-LEGISLATIVE DAY EXTENSION GRANTED

Rep. Beverly Gage moved that the Committee on Legislative Administration be granted a three-legislative day extension on HB 19, requiring the singing of the national anthem at the commencement of the regular legislative session.

Granted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at

the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 13 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 67, to allow a designee from the office of the attorney general and a deputy treasurer to serve on the board of trust company incorporation in place of the attorney general and the state treasurer.

HB 101, relative to sunset review of small loan and vehicle finance.

HB 35, relative to preparing and correcting checklists in village districts.

HB 46, relative to sealing and certifying ballots.

HB 63, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming.

HB 54, relative to the maintenance of horses.

HB 41, relative to saltwater fishing and shellfish.

HB 33, authorizing the town of Hudson to construct a dam at Robinson Pond.

HB 48, providing for the acquisition of Jones Pond dam by the department of fish and game.

HB 136-FN, relative to sunset review of the northeastern forest fire protection commission.

CACR 1, relating to the amount in controversy for the right to a jury trial in civil cases. Providing that the amount in controversy for the right to jury trial must exceed \$2,500.

HB 49, changing the date for observance of Memorial Day.

HR 16, relative to the office of waste management, division of public health services, department of health and human services.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 2:32 p.m.

RECESS

(Rep. Sara Townsend in the Chair)

Reps. Gagnon and Bernard offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 240 through 287, and Concurrent Resolution Proposing Constitutional Amendments numbered 11 and 12, and House Concurrent Resolutions

numbered 3 through 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS, CACRs and HCRs

First, second reading and referral

HB 240, relative to monopolistic activity. (Townsend of Sullivan Dist. 1; Griffin of Dist. 24 - To Health and Human Services)

HB 241, eliminating the hydro-energy power promotion functions of the water resources board. (Dickinson of Carroll Dist. 2; Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 242, relative to notifying abutters. (Carragher of Hillsborough Dist. 22 - To Municipal and County Government)

HB 243, relative to county purchasing regulations. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 244, relative to reinstatement of injured employees. (Wells of Rockingham Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 245-FN, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation therefor. (White of Belknap Dist. 1; Stio of Merrimack Dist. 5 - To Appropriations)

HB 246, relative to state contract approval. (White of Belknap Dist. 1; Chamberlin of Strafford Dist. 4 - To Public Works)

HB 247, relative to setting muskrat traps. (Scamman of Rockingham Dist. 19 - To Fish and Game)

HB 248, relative to the community development block grant program. (Quimby of Rockingham Dist. 7 - To Resources, Recreation and Development)

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police. (Rounds of Grafton Dist. 10 - To Public Protection and Veterans Affairs)

HB 250-FN, requiring new cogeneration facilities to use available solid municipal wastes as an energy source. (Dickinson of Carroll Dist. 2 - To Science and Technology)

HB 251, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. (Easton of Grafton Dist. 11; Schwartz of Cheshire Dist. 13; King of Grafton Dist. 6; Pevear of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 252-FN, requiring school buses used in the state which are manufactured after January 1, 1986, to be equipped with seat belts and with seat backs elevated to 28 inches. (Dexter of Belknap Dist. 8; King of Grafton Dist. 6; Mace of Rockingham Dist. 21 - To Transportation)

HB 253, relative to the Cooperative Alliance for Seacoast Transportations. (Whiting of Strafford Dist. 6; Chamberlin of Strafford Dist. 4 - To Transportation)

HB 254-FN, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. (Marsh of Coos Dist. 1 - To Public Works)

HB 255-FN, to make the state barrier free code no more restrictive than the federal requirements. (LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3 - To Public Works)

HB 256-FN, permitting the propagation and sale of ferrets for pets. (Flanagan of Rockingham Dist. 8; Dickinson of Carroll Dist. 2; Burdick of Rockingham Dist. 7 - To Environment and Agriculture)

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington. (LaMott of Grafton Dist. 5 - To Public Works)

HB 258, relative to the motor vehicle laws. (York of Coos Dist. 8 - To Transportation)

HB 259-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. (Levesque of Hillsborough Dist. 30; Jacobson of Hillsborough Dist. 26; Nute of Hillsborough Dist. 13; Gagnon of Hillsborough Dist. 29; Labombarde of Hillsborough Dist. 22 - To Public Works)

HB 260, relative to appropriated funds in Hillsborough county. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 261, relative to out-of-state back-up ambulance services. (Felch of Rockingham Dist. 14; Romoli of Rockingham Dist. 19 - To Health and Human Services)

HB 262, relative to the resale of tickets. (G. Watson of Hillsborough Dist. 13; Barry of Hillsborough Dist. 43; Palumbo of Rockingham Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 263, relative to legal counsel for the New Hampshire retirement system. (Krasker of Rockingham Dist. 27; Ramsay of Cheshire Dist. 10 - To Executive Departments and Administration)

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. (H. Watson of Hillsborough Dist. 13; Nute of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Levesque of Hillsborough Dist. 30; Parmenter of Hillsborough Dist. 26 - To Public Works)

HB 265, relative to boat inspectors. (Blais of Hillsborough Dist. 44 - To Public Protection and Veterans Affairs)

HB 266, authorizing the department of safety to join the international registration plan. (LaMott of Grafton Dist. 5 - To Transportation)

HB 267, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. (Dickinson of Carroll Dist. 2; Chambers of Grafton Dist. 12; Cailler of Merrimack Dist. 19; Heath of Dist. 3; McLane of Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 268-FN, making certain supplemental appropriations. (Kiddier of Merrimack Dist. 2; White of Dist. 11 - To Appropriations)

HB 269, relative to sexual assault. (Newcomb of Hillsborough Dist. 25 - To Judiciary)

HB 270, relative to the construction of a Route 102 bypass in the towns of Derry and Londonderry and making an appropriation therefor. (Burdick of Rockingham Dist. 7 - To Public Works)

HB 271, relative to the proper care of dogs and cats maintained as household pets. (Dexter of Belknap Dist. 8 - To Environment and Agriculture)

HB 272, relative to mortgages. (Christy of Grafton Dist. 11 - To Judiciary)

HB 273, relative to police employees of the university system of New Hampshire. (Duprey of Hillsborough Dist. 31 - To Public Protection and Veterans Affairs)

HB 274, relative to the office of county attorney. (Duprey of Hillsborough Dist. 31 - To Judiciary)

HB 275, removing double damages for injuries by dogs. (Fraser of Merrimack Dist. 6 - To Judiciary)

HB 276, relative to powers of attorney. (Gross of Merrimack Dist. 16 - To Judiciary)

HB 277-FN, permitting municipalities to abate the property tax on certain civic organizations. (Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips. (Burns of Hillsborough Dist. 11; Smith of Hillsborough Dist. 9; Burns of Coos Dist. 5; Disnard of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 279-FN, relative to a multi-state lotto compact and making an appropriation therefor. (Simon of Rockingham Dist. 9; Gage of Rockingham Dist. 20; Walter of Grafton Dist. 13; White of Dist. 11; Blaisdell of Dist. 10 - To Regulated Revenues)

HB 280-FN, relative to a tri-state lotto compact. (Walter of Grafton Dist. 13 - To Regulated Revenues)

HB 281, requiring motor vehicle lights to be turned on under any conditions in which visibility is poor. (Knight of Hillsborough Dist. 6; August of Hillsborough Dist. 6; Arnold of Hillsborough Dist. 33 - To Transportation)

HB 282-FN, increasing the per diem fee paid by a racing licensee to the town in which the racing plant is located on Saturdays and holidays. (Sytek of Rockingham Dist. 20; Joslyn of Rockingham Dist. 20; Raynowska of Rockingham Dist. 20; Mason of Rockingham Dist. 22; Champoux of Rockingham Dist. 20 - To Regulated Revenues)

HB 283-FN, continuing nursing home cost incentive programs. (Nelson of Hillsborough Dist. 31; Nagel of Rockingham Dist. 20 - To Health and Human Services)

HB 284, relative to the Winnepesaukee river flood protection project and making an appropriation therefor. (White of Belknap Dist. 1 - To Public Works)

HB 285, relative to priority of liens on hazardous waste facilities. (Whittemore of Merrimack Dist. 10; Wight of Hillsborough Dist. 9; St. Jean of Dist. 20 - To Environment and Agriculture)

HB 286, relative to the minimum wage for youths. (Newman of Rockingham Dist. 24; Splaine of Rockingham Dist. 25; Walter of

Grafton Dist. 13; Connors of Rockingham Dist. 26 - To Labor, Industrial and Rehabilitative Services)

HB 287, prohibiting the conduct of business on a public highway right-of-way. (Chandler of Merrimack Dist. 21; Chamberlin of Strafford Dist. 4; Jacobson of Hillsborough Dist. 26 - To Commerce, Small Business and Consumer Affairs)

CACR 11, relating to terms of office for judges. Providing that with the exception of supreme court justices, judges shall be appointed to 6 year terms. (Johnson of Cheshire Dist. 3; Chandler of Dist. 7 - To Constitutional and Statutory Revision)

CACR 12, relating to Supreme Court advisory opinions. Providing that the supreme court must answer every question posed to it by the legislature or the governor. (Gordon of Merrimack Dist. 7 - To Constitutional and Statutory Revision)

HCR 3, to discourage billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HCR 4, relative to the allocation of state public waters. (Woodward of Rockingham Dist. 18; Blanchard of Rockingham Dist. 26; Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HCR 5, honoring the New Hampshire state parks' fiftieth anniversary and the first park system director, Russell B. Tobey. (Meader of Strafford Dist. 10; Dickinson of Carroll Dist. 2; Woodward of Rockingham Dist. 18; Lewis of Merrimack Dist. 5; Whittemore of Merrimack Dist. 10 - To Resources, Recreation and Development)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 6

Wednesday, 13Feb85

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 288 through 301, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O Almighty God, Creator of all that is. You divided the light from the darkness and taught us to favor the light. You established the land and all that grows and taught us to be good care takers. You created all animals, fish and birds and taught us to have dominion over them. You created man and woman in Your own image and taught us to love one another as we love our own bodies. As we have demonstrated our concern from animals, so let us demonstrate our caring for each other. As we consider a budget this day may it not be so many dollars as much as it is persons who need justice, who need shelter, who need safe water and clean food, who need education and inspiration, who need equal opportunity, who need equal protection under the law. Teach us, O Creator, to value all that You have made. Amen.

Rep. Lozeau led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brideau, Popov, Boutwell, Hardy, Kohl, Varkas, Lown, Bowler, Lindblade, Norman Packard, Hendrick, Wells, Bates and Pariseau, the day, illness.

Reps. Cote, Densmore, Blacketor, M. A. Wight, Donovan, Reardon, Michael Jones, Hogan, Thomas Gage and Blanchard, the day, important business.

INTRODUCTION OF GUESTS

Government Class students from Portsmouth High School and teachers, Brian Brennan and Charlie Rodis; 9th and 10th grade students from Goffstown High School and their teacher, Philip Brown, guest of Rep. Benton; Carol Ann Welch, guest of Rep. Welch; Mrs. Edie Ames, guest of Rep. Ames; Ellie Moore, wife of Rep. Benjamin Moore; Katherine Chase, wife of Rep. Russell Chase; 8th grade students from Timberlane Junior High School and their chaperons, Kay Gourdeau, Lorraine Raleigh, Marsha Marino, Patty Masse and Mr. Kleckner, guests of Rep. Gourdeau; Mrs. Regina Paquette and Mrs. Eleanor Palmer, wife and guest of Rep. Paquette.

HB 288, relative to the personnel division, department of administrative services. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 289-FN, imposing a 3 percent tax on the gross business profits of business organizations operating in New Hampshire for the purpose of reducing real property taxes. (Kohl of Cheshire Dist. 15 - To Ways and Means)

HB 290-FN, relative to Sunday and holiday openings of state liquor stores. (Jones of Strafford Dist. 6; Densmore of Grafton Dist. 3; Mason of Rockingham Dist. 22; White of Dist. 11 - To Regulated Revenues)

HB 291-FN, making a supplemental appropriation for the board of examiners of psychologists. (Kinhan of Merrimack Dist. 14; Butler of Rockingham Dist. 11; Chambers of Grafton Dist. 12; Dupont of Dist. 6 - To Appropriations)

HB 292-FN, extending the aviation fuel toll to jet fuels and other fuels. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 293, relative to the aeronautical fund. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 294, relative to the Nashua airport authority. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 295, relative to school district boundaries in Canterbury and Concord. (Pannell of Merrimack Dist. 6 - To Education)

HB 296, relative to the disorderly conduct law. (Hollingworth of Rockingham Dist. 17 - To Judiciary)

HB 297-FN, making a supplemental appropriation to the special railroad fund. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 298-FN, making Martin Luther King's birthday a state holiday. (Blais of Hillsborough Dist. 44 - To Constitutional and Statutory Revision)

HB 299, relative to the duties of the division of children and youth services. (E. Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 301, relative to the state committee on mosquito control. (Hollingworth of Rockingham Dist. 17; Rogers of Rockingham Dist. 28 - To Environment and Agriculture)

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 60 was removed at the request of Rep. William Riley.

HB 13 was removed at the request of Rep. Alf Jacobson.

HB 92 was removed at the request of Rep. Newman.

HBs 79 and 62 were removed at the request of Rep. Ingram.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 11, relative to the national guard scholarship fund. Ought to Pass.

This bill would increase the maximum scholarship available to a member of the National Guard from \$300 to \$500 annually. Funding would be provided by increasing monies available to the scholarship fund from 50% to 100% of revenues received from the rental of national guard armories statewide. Vote 19-0. Rep. William F. Kidder for Appropriations.

HB 21, relative to filing with school district clerks. Ought to Pass with Amendment.

This bill allows school district clerks and/or town clerks or their designees to be available between 3 and 5 o'clock on the stipulated day. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

An Act

relative to filing with the school district clerk or town clerk.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Hours of Filing When School District Clerk or Town Clerk Involved. Amend RSA 652:20 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

652:20 End of Day. Whenever the election laws require a filing with or an action by an official, such filing or action shall be performed before 5 o'clock in the afternoon of the stipulated day. During the afternoon of the stipulated day, the school district clerk or his designee, or the town clerk or his designee, shall arrange his time so as to be available between the hours of 3 o'clock and 5 o'clock.

HB 40, relative to filing nomination papers for presidential candidates.
Inexpedient to Legislate.

The Committee feels it is not possible to hold signing of nomination papers to 500 names. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect. Ought to Pass.

This resolution would ratify an amendment to the Constitution so that an election would intervene before an increase in compensation for federal legislators may take effect. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 17, relative to requirements for the execution and probate of wills. Ought to Pass with Amendment.

The intent of this bill is to validate non-self-proving wills executed from January 1, 1984 to the effective date of the legislation. It simplifies the form of self-proving wills. It requires two (2) witnesses now for all wills. Because it is corrective legislation it shall take effect upon its passage. Vote 21-0. Rep. Michael E. Jones for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Requirements for Wills. Amend RSA 551:2 (supp) as amended by striking out said section and inserting in place thereof the following:

551:2 Requirements.

I. To be valid, a will or codicil to a will must:

(a) Be made by a testator qualifying under RSA 551:1; and

(b) Be in writing; and

(c) Be signed by the testator, or by some person at his express direction in his presence; and

(d) Be signed by 2 or more credible witnesses, who must, in the testator's presence, attest to his signature.

II. No seal shall be required.

III. These requirements shall apply to all wills executed on or after January 1, 1984. Wills executed on or before December 31, 1983, must meet the requirements of RSA 551:2, except that the required number of witnesses shall be 3.

2 Self-Proved Wills. Amend RSA 551:2-a (supp) as inserted by 1983, 255:2 by striking out said section and inserting in place thereof the following:

551:2-a Self-Proved Wills. To qualify as self-proved, the testator's signature must be followed by an affidavit signed by him and by the witnesses to his signing of the will as follows:

I. The affidavit may be on the same page or a separate page;

II. The affidavit may be signed at the time the will is signed or at a later time;

III. The testator may expressly direct another to sign for him in his presence;

IV. If the affidavit is completed at the same time the will is signed, each witness need only sign once, at the end of the affidavit, to comply with both RSA 551:2, I(d) and this section:

V. The affidavit shall be in content and form substantially as follows:

State of _____ County _____

We, the testator and witnesses, being duly sworn each declare to the notary public or justice of the peace or other official authorized to administer oaths in the place of execution signing below as follows:

1. The testator signed the instrument as his will or expressly directed another to sign for him.
2. This was the testator's free and voluntary act for the purposes expressed in the will.
3. Each witness signed at the request of the testator, in his presence, and in the presence of the other witness.
4. To the best of my knowledge, at the time of the signing the testator was at least 18 years of age, or if under 18 years was a married person, and was of sane mind and under no constraint or undue influence.

Testator

Witness

Witness

VI. The affidavit shall be made before a notary public or justice of the peace or other official authorized to administer oaths in the place of execution, who shall not also serve as a witness, and who shall complete and sign a certificate in content and form substantially as follows: Sworn to and signed before me by _____, testator;

and _____, witnesses;
on _____.

Signature _____

Official Capacity _____

This certificate shall follow the affidavit on the same page or a separate page.

3 Self-Proved Wills. Amend RSA 552 by inserting after section 5-a the following new section:

552:5-b Self-Proved Will. Any will meeting the requirements of RSA 551:2-a is self-proved and shall be allowed by the probate court.

4 Proof in Common Form. Amend RSA 552:6 (supp) as amended by striking out in lines 1 and 2 the words "executed on or before December 31, 1983," so that said section as amended shall read as follows:

552:6 Proof, Common Form. If the probate of a will is not contested the judge may allow and approve it in common form, upon the testimony of one of the subscribing witnesses, though the others are living and within process of the court.

5 Repeal.

1. RSA 552:6-a, relative to self-proving wills, is hereby repealed.

II. RSA 552:6-b, relative to proof of wills, is hereby repealed.

6 Effective Date. This act shall take effect upon its passage.

HB 55-FN, authorizing the director, division of public health services to schedule controlled drugs. Ought to Pass with Amendment.

Under current law, New Hampshire uses the federal categories or "schedules" of controlled drugs in regulating substances with the potential for physical or psychic dependence. This bill allows the state to list a substance on a more restrictive schedule if a particular drug becomes a problem here, without having to wait for the federal government to act. The amendment adds an appropriation to pay a consulting pharmacist, and corrects the language of the bill to make it internally consistent. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor.

Amend RSA 318-B:1-a, I(g) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(g) Potential of the substance to produce psychic or physical dependence liability; and

Amend section 8 of the bill by striking out paragraphs I and II and inserting in place thereof the following:

I. Schedule I shall include the controlled substances listed in schedule I of the current chapter 21, Code of Federal Regulations.

II. Schedule II shall include the controlled substances listed in schedule II of the current chapter 21, Code of Federal Regulations.

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Appropriation. The sum of \$3,552 for the fiscal year ending June 30, 1986, and the sum of \$3,552 for the fiscal year ending June 30, 1987, are hereby appropriated to the division of public health services, department of health and human services, for the purposes of this act. These appropriations are in addition to any other funds appropriated to the division of public health services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 74, relative to budget approval by the Hillsborough county executive committee. Inexpedient to Legislate.

House Bill 90 covers the subject more completely. Vote 19-0. Rep. Kenneth T. Wheeler, Sr. for Municipal and County Government.

HB 90-FN, relative to the notice required for the adoption of the Hillsborough county budget. Ought to Pass with Amendment.

This bill spells out in greater detail the method of hearing and adoption of the Hillsborough County Budget. It also allows more time for study by the County Convention and greater availability of the budget, prior to the full adoption. Vote 20-0. Rep. Leona Dykstra for Municipal and County Government.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Public Hearing Required. Amend RSA 24:13-c, IV (supp) as inserted by 1978, 35:1 by striking out said paragraph and inserting in place thereof the following:

IV. The county convention shall not vote appropriations for the ensuing budget period until 28 days have elapsed from the mailing of the recommendations specified in paragraph III. All moneys to be appropriated by the county shall be stipulated in the budget on a "gross" basis, showing revenues from all sources, including gifts, grants, bequests and bond issues, as off-setting revenues to appropriations affected. The executive committee shall conduct at least one public hearing on the budget in the form in which it is to be submitted to the county convention, and shall mail a written notice of the public hearing at least 7 days prior to the hearing to each member of the county convention.

HB 6, prohibiting paramilitary training and activity. Inexpedient to Legislate. Information received from Attorneys General of states which have "anti paramilitary training statutes" was of insufficient value to justify further study of this bill at this time. Vote 13-1. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

HB 181, relative to the national guard. Ought to Pass with Amendment.

This bill is a housekeeping measure, generally designed to keep the New Hampshire National Guard statutes in conformity with changes effected in federal National Guard regulations. Vote 16-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

Amendment

Amend RSA 110-B:66 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

110-B:66 Compensation for Injuries.

I. If any member of the national guard who is on any state duty pursuant to this chapter or on any active or inactive duty for training within or without the state pursuant to the laws of the United States receives a personal injury or an injury as defined in RSA 281, and the benefits, if any, provided by the federal government or national guard system as a result of the injury are less than the benefits provided by the workers' compensation law, the member shall receive benefits so that the total benefits received under the federal and national guard system and the benefits provided by this section shall be equal to the benefits which the member would have received under the workers' compensation law if the injury had occurred on the last day of the member's regular employment previous to reporting for duty with the national guard.

II. The governor is hereby authorized to draw his warrant for sums sufficient to pay for awards made under this section out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.

HB 34, relative to winter roads. Ought to Pass with Amendment.

This bill, as amended, leaves the problem of private roads in the hands of the selectmen. There is a safety factor for fire and emergency vehicles that, at some point, will need to use the private road. Vote 19-1. Rep. Lorine Walter for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to private roads.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Private Roads. Amend RSA 231 by inserting after section 24 the following new section:

231:24-a Private Roads. No private road shall be repaired or maintained in either the summer or winter months by a municipality without the prior approval of the selectmen of a town or the majority vote of a town meeting or the approval of the city council of a city.

2 Effective Date. This act shall take effect 60 days after its passage.

COMMITTEE REPORTS
(Regular Calendar)

HB 98, relative to adopting the spotted newt as the state amphibian. Ought to Pass. The 9th and 10th grade science students of Goffstown High School performed painstaking research and displayed enthusiasm, expertise and knowledge in explaining the life of the spotted newt, and its favorable impact on the waters, swamps and terrain of New Hampshire. They were delighted to have participated, in a small way, in the legislative process. If enacted, the spotted newt will join the purple lilac State flower (1919), the white birch State tree (1947), the ladybug State insect (1977) and the white-tailed deer State animal (1983), as an official symbol of New Hampshire wildlife. Vote 14-2. Rep. George T. Musler for Public Protection and Veterans Affairs.

Reps. August, Knight and Blais spoke in favor of the Committee report.

Ordered to third reading.

Rep. Clancy notified the Clerk that he wished to be recorded in favor of HB 98.

HB 71, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. Inexpedient to Legislate.

The Committee found this bill inexpedient to legislate because if a candidate received enough votes, regardless of the party affiliation, he/she deserves to serve in office. Vote 6-5. Rep. Catherine O'Brien for Constitutional and Statutory Revision.

Rep. Flanagan moved that HB 71 be recommitted to the Committee on Constitutional and Statutory Revision, and spoke to her motion.

Rep. Lozeau spoke in favor of the motion. Adopted.

HB 71 was recommitted to the Committee on Constitutional and Statutory Revision.

HB 53, prohibiting the harassment of hunters, trappers and fishermen. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The Majority of the Committee feels this piece of legislation is necessary in that anti-hunter groups have admitted to "hunt sabotage" activities and they plan to exercise these activities in the future. Vote 11-5. Rep. Gerald R. Smith for Fish and Game.

MINORITY: The Minority feels that there is no need for this type of legislation. There are laws that cover this type of harassment. Also, the bill is unenforceable. (Rep. Romeo J. Theriault for the Minority.)

Rep. Doris Riley moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass, and spoke to her motion.

Reps. Theriault and Gerald Smith spoke in favor of the motion.

Adopted.

Referred for Interim Study.

HB 56, permitting the annulment after 7 years of criminal records for possession of a controlled drug. Ought to Pass.

This bill requires that anyone convicted of a drug offense wait 7 years before applying to the court for an annulment of his criminal record. Under current law, a person is subject to an enhanced penalty for a second drug offense, but the law is circumvented by having record of the first offense annulled as early as one year after the crime. The bill closes that loophole and provides some uniformity in the way the state deals with drug offenders. Vote 17-4. Rep. Donna P. Sytek for Judiciary.

Ordered to third reading.

HB 20, relative to the implied consent of testing of boat operators on public waters. Ought to Pass with Amendment.

House Bill 20 was recommitted to this Committee on Thursday, January 31. A joint meeting of the Judiciary/Public Protection and Veterans Affairs study group on HB 20 was convened on Monday, February 4, plus knowledgeable members of the Department of Safety. Several changes were agreed upon to bring HB 20 into closer conformity with the DWI statutes, the section permitting a part of the fines collected to be used for training of agents of the Director of Safety Services was deleted, and the effective date of the bill was amended from January 1, 1986 to read "effective on passage." After a wide-ranging discussion, it was agreed to follow the Federal definition of a boat, "a vessel is every description of a watercraft used or capable of being used as a means of transportation on the water." Vote 16-0. Rep. Warren F. Ames, Sr., for Public Protection and Veterans Affairs.

Amendment

Amend RSA 270:48, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. "Boat" means and includes every type of watercraft used or capable of being used as a means of transportation on the water.

Amend RSA 270:49, III as inserted by section 1 of the bill by striking out said paragraph.

Amend RSA 270:52, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Only a duly licensed physician, physician's assistant, registered nurse, or qualified medical technician acting at the

request of a duly authorized agent or a peace officer may withdraw blood for the purpose of a test required by RSA 270:49. Such physician, physician's assistant, registered nurse, or qualified medical laboratory technician shall not be liable for damages or otherwise to the person from whom blood is withdrawn for an act performed in connection with such withdrawal provided the physician, physician's assistant, registered nurse, or qualified medical laboratory technician acts with ordinary care.

Amend RSA 270:56, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any person who is arraigned on a charge arising under RSA 631:5 shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any blood alcohol test administered to him, requiring the attendance of the person who took the sample for said test or of the person who conducted said test, or both. Failure to file notice shall be deemed a waiver to require their attendance at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

Amend RSA 270:59 as inserted by section 1 of the bill by striking out same.

Amend section 2 of the bill by striking out same and renumbering sections 3 and 4 as follows:

2 and 3, respectively.

Amend RSA 631:5, II as inserted by renumbered section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

II. "Boat" means and includes every type of watercraft used or capable of being used as a means of transportation on the water.

Amend renumbered section 3 of the bill by striking out same and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.
Ordered to third reading.

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. Ought to Pass with Amendment.

Three communities, Raymond-Epping-Fremont, are impacted by the existing condition of Prescott Road. A Subcommittee viewed site, met with municipal authorities and State Highway Department. It is a unique situation whereby a highway Commissioner testifies favorably for HB 39. The Committee amendment authorizes \$80,000 for reconstruction, not \$150,000. Vote 13-9. Rep. James J. White for Public Works.

Rep. Bibbo moved that HB 39 be recommitted to the Committee on Public Works. Adopted.

HB 39 was recommitted to the Committee on Public Works.

HB 200, making an appropriation for capital improvements. Ought to Pass with Amendment.

This bill authorizes appropriation of funds for new construction and increases three past appropriations from past bienniums to allow completion of project. Vote 21-0. Rep. James V. Bibbo, Jr., for Public Works.

Amendment

Amend paragraph III of section 1 of the bill by striking out same and inserting in place thereof the following:

III. New Hampshire Public Television	
A. State-wide program distribution	\$ 629,000
B. Production and office facility	\$ 766,667
Total Paragraph III	\$1,395,667

Amend the total state appropriation of section 1 of the bill by striking out same and inserting in place thereof the following:

Total state appropriation section 1	\$4,993,271
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Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Expenditures; General. The appropriation made for the purposes mentioned in section 1 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that except for paragraph III of section 1 of this act all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Expenditures; University System.

I. The appropriations made for the purposes mentioned in paragraphs I, II, and III, B of section 1 of this act and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II.(a) The appropriations made in section 1 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

(b) If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

(c) The board of trustees of the university system has the right to reject any and all bids; and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the

university system. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,993,271 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of paragraph IV, A of section 1 of this act shall have a maturity of 5 years from the date of issue.

II. No bonds authorized in this section, or expenditure warrants relating to the production and office facility only, shall be issued until New Hampshire public television certifies to the governor and council that it has raised and can account for \$1,533,333 or more in gifts, grants, donations, or pledges from sources other than the state, to be used as 2/3 of the \$2,300,000 construction cost of the new production and office facility, but only after approval of the governor and council.

Amend section 9 of the bill by striking out same and inserting in place thereof the following:

9 Payments. The payment of principal and interest on bonds and notes issued for the purposes of paragraph III of section 1 of this act shall be made when due from the general funds of the state in the first instance and the state treasurer shall be reimbursed forthwith from New Hampshire public television for all such payments.

Amend section 11 of the bill by striking out same and inserting in place thereof the following:

11 New Hampshire Hospital; Increase Funds. Amend 1983, 423:1, IV, B by striking out said subparagraph and inserting in place thereof the following:

B. New Hampshire hospital - design plans and working drawings for a new psychiatric facility \$1,545,000

12 Paragraph Total Amended. Amend 1983, 423:1, IV by striking out the paragraph IV total and inserting in place thereof the following:

Total paragraph IV \$1,889,000

13 Section Total Amended. Amend 1983, 423:1 by striking out the section 1 total and inserting in place thereof the following:

Total state appropriation section one \$19,602,600

14 Seacoast Substation. Amend 1983, 423:3, I, A by striking out said subparagraph and inserting in place thereof the following:

A. Seacoast motor vehicle sub-station \$ 414,745

15 Paragraph Total Increased. Amend 1983, 423:3, I by striking out the total paragraph I and inserting in place thereof the following:

Total paragraph I \$ 434,745

16 Total Appropriation Increased.

Amend 1983, 423:3 by striking out the total state appropriation and inserting in place thereof the following:

Total state appropriation section 3 \$ 2,232,745

17 Bonding Authority Increased. Amend 1983, 423:8 by striking out in line 4 the number "\$21,348,600" and inserting in place thereof the following (\$22,237,345) so that said section as amended shall read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,237,345 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section 3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from the date of issue.

18 Lapse Date Extended. The appropriations made by 1983, 423:1, X and by 1981, 565:20, V as amended by 1982, 38:16 are hereby extended until June 30, 1987.

19 Intermingled Funds; Additional Appropriation.

I. The appropriations made by 1983, 423:1, X and by 1981, 565:20, V as amended by 1982, 38:16 are hereby combined and intermingled for the purposes as stated in 1983, 423:1, X and 1981, 565:20, V.

II. The additional sum of \$285,000 is hereby appropriated for said purposes.

20 Bonds Authorized. To provide funds for the additional appropriation made by paragraph II of section 19 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$285,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on such bonds and notes shall be made when due from the general funds of the state.

21 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 42, to amend the reckless driving statute. Ought to Pass with Amendment. This bill corrects a situation where a driver involved in an accident where death results could be charged either

under the Motor Vehicle Code (reckless driving) or under the Criminal Code (negligent homicide or manslaughter). This bill eliminates the charge from the Motor Vehicle Code while the amendment maintains the courts' authority to suspend the driver's license. Vote 12-1. Rep. Stephen Sloan for Transportation

Amendment

Amend RSA 265:79 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than \$100 nor more than \$500 and his license shall be revoked for a period of 60 days on the first offense and from 60 days to one year on the second offense. If the death of any person results from reckless driving of a vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years.

Amendment adopted.

Ordered to third reading.

HB 60, establishing granite as the state rock, beryl as the state mineral, and smoky quartz as the state gem. Ought to Pass.

As long as this is the "Granite State" the Committee feels that granite should be recognized as well as beryl, the mineral and smoky quartz, the gem. Vote 11-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Rep. William Riley moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass, spoke to his motion, and withdrew his motion. Ordered to third reading.

HB 79, prohibiting homosexuals from donating blood. Inexpedient to Legislate. This bill makes any homosexual who voluntarily donates blood guilty of a class B felony. The bill's statement of purpose section states that the bill's purpose is to protect the state's blood supplies from AIDS contamination. The Committee believes that this bill would be discriminatory and impossible to enforce. In addition, the federal government will soon be requiring a blood test that will screen out any blood contaminated by AIDS. Vote 21-0. Rep. Marc A. Chretien for Judiciary.

Rep. Ingram spoke against the Committee report.

Resolution adopted.

HB 13, relative to the office of combined town clerk-town tax collector. Inexpedient to Legislate.

The Committee feels that the bill does not achieve the intent of the sponsor. Vote 20-0. Rep. Timothy Bates for Municipal and County Government.

Rep. Alf Jacobson moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Mann spoke against the motion.

Rep. Matson spoke in favor of the motion.

Rep. Sylvia spoke against the motion and yielded to questions.

On a voice vote the motion lost. Resolution adopted.

HB 62, prohibiting discrimination by landlords against persons with children. Inexpedient to Legislate.

HB 62 makes no useful change in existing law. The problem it addresses, discrimination against children in housing, is a real one, but can best be dealt with by enforcing existing law, which can only happen by increasing staff of the Commission for Human Rights which is the enforcing authority. Vote 20-0. Rep. William A. Riley for State Institutions and Housing.

Rep. Ingram spoke against the Committee report and yielded to questions.

Rep. Vartanian spoke in favor of the Committee report.

Rep. Ingram requested a roll call. Sufficiently seconded.

Reps. Robert Holmes and Wayne King abstained from voting under Rule 16.

(Speaker presiding)

YEAS 303 NAYS 35

YEAS 303

BELKNAP: Birch, Bolduc, Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Burley, Crane, Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, Ridge, William Riley, Russell, Schwartz, Thompson and Young.

COOS: Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew and Theriault.

CRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Driscoll, Duggan, Hutchings, Michael King, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, August, Barry, Bass, Beaupre, Bernier, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, John Burns, Leslie

Burns, Carragher, Champagne, Charron, Chretien, Cox, Cronin, Crotty, Ducharme, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Herod, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lozeau, Martin, Howard Mason, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reidy, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderloek, Wagner, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whittemore, Winn and Worthen.

MERRIMACK: Allgeyer, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, James Chandler, Connolly, Daniell, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Clay, Conroy, Day, Ellyson, Emanuelson, Flanagan, Bert Ford, Beverly Gage, Goss, Courdeau, Elizabeth Greene, Haynes, Hoar, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Joseph MacDonald, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Newman, Palumbo, Parr, Pevear, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton and Woodward.

STRAFFORD: Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 35

BELKNAP: Jensen.

CARROLL: None.

CHESHIRE: Delano, Miller, Ramsay and William Sullivan.

COOS: York.

CRAFTON: Easton.

HILLSBOROUGH: Blais, Clancy, Duperron, Gagnon, Scott Green, Healy, Hyman, McCue, McGlynn, Newcombe, Nute, Paquette and Lucille Wood.

MERRIMACK: Gerald Smith.

ROCKINGHAM: Blanchette, Case, Connors, Felch, Hollingsworth, Robert Johnson, Lovejoy, Malcolm, Pantelakos, Norman Rogers and Welch.

STRAFFORD: Appleby and Kincaid.

SULLIVAN: Ingram, and the Committee report was adopted.

Resolution adopted.

HB 92, relative to suspension of an operator's license for nonpayment of parking fines. Inexpedient to Legislate.

Testimony provided by the sponsor of this bill and the Assistant City Attorney of Portsmouth indicated that by recent implementation of stronger corrective action the problem is now being locally resolved. It was voted 13-0 by the Committee that the State should not be used as the vehicle to collect overdue municipal parking fines. Rep. Robert L. Whiting for Transportation.

Rep. Newman moved that HB 92 be recommitted to the Committee on Transportation and spoke to his motion.

Rep. Irvin Gordon spoke in favor of the motion.

Motion adopted.

HB 92 was recommitted to the Committee on Transportation.

Rep. Rounds moved that the Honorable Senate be notified that the House of Representatives would be ready to meet the Senate in Joint Convention at 6:45 p.m. for the purpose of hearing the Governor's budget message at 7:00 p.m.

Adopted.

Rep. Golden offered the following:

RESOLUTION NO. 21

memorializing former Representative Arthur H. McAllister of Center Barnstead.

WHEREAS, Arthur H. McAllister, between 1949 and 1964, was elected to eight consecutive terms in the New Hampshire House of Representatives, faithfully serving his constituents in Belknap County, and

WHEREAS, Arthur H. McAllister was a valuable and conscientious elected official who served devotedly on the Standing Committees on Banks, Education, Forestry and Recreation, Public Works, Ways and Means, and Mileage including one term as Vice Chairman and three terms as Chairman, and

WHEREAS, Arthur H. McAllister was a civic-minded leader who served as a Selectman, Chairman of the Republic Town Committee, delegate to the 1948 and 1956 Constitutional Conventions and as a member of the Town Board of Manpower, and

WHEREAS, Arthur H. McAllister was born in Burnham, Maine on September 28, 1888 and lived 58 years in Center Barnstead where he died January 19, 1985 at age of 96, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in regular session convened, that Arthur H. McAllister be publicly recognized and given highest commendation for his service to the State and its residents, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 26th at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 11, relative to the national guard scholarship fund.

HB 21, relative to filing with the school district clerk or town clerk.

HB 60, establishing granite as the state rock, beryl as the state mineral, and smoky quartz as the state gem.

HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect.

HB 17, relative to requirements for the execution and probate of wills.

HB 90-FN, relative to the notice required for the adoption of the Hillsborough county budget.

HB 181, relative to the national guard.

HB 34, relative to private roads.

HB 56, permitting the annulment after 7 years of criminal records for possession of a controlled drug.

HB 20, relative to the implied consent of testing of boat operators on public waters.

HB 98, relative to adopting the spotted newt as the state amphibian.

HB 42, to amend the reckless driving statute.

Rep. Rounds moved that the House stand in recess until 6:45 p.m. for the purpose of hearing the Governor's budget message at 7:00 p.m. and Introduction of Bills only.

Adopted.

The House recessed at 2:28 p.m.

RECESS

AFTER RECESS

SENATE MESSAGE

The Senate is ready to meet with the House in Joint Convention for the purpose of hearing the Governor's budget message.

JOINT CONVENTION
(Speaker presiding)

Mr. Speaker, Madam President, Honorable Members of the General Court:

I come before you this evening to present my operating budget for the biennium as required by RSA 9:2 of the Laws of the State of New Hampshire.

We are assembled here with a sense of pride and accomplishment. Together, we have met the goals set forth in my budget address two years ago.

We have not only preserved, but we have strengthened the economic integrity of the State of New Hampshire.

The fiscal conditions of the State of New Hampshire and the economic climate within the state are dramatically improved from the situations we faced two years ago.

The deficit has been eliminated.

Our business climate is the envy of the nation.

Our employment opportunities and personal earnings growth are outstanding.

With the great support and help provided by the General Court, the State was able to frame and implement a budget and policies that produced these notable and positive results.

I should note that the management tools built into the last budget, including the integrated financial system, are all nearly complete and will add to our capacity to continue to improve the effectiveness and efficiency of State Government.

However, we again face a difficult challenge, perhaps even greater than the challenge of two years ago. Paradoxically, it comes not from fiscal weakness, for that has been eliminated, but in fact flows from our success.

Obviously, part of the current difficulty stems from the well publicized change in federal financial efforts. However, much of the challenge comes from the enhanced expectations, the over-expectations of those who now anticipate more than can, or should, be delivered.

Our responsibility now is to maximize the opportunities presented by our success. As I noted in my inaugural address, "We must look beyond programs which merely mirror conventional wisdom, or are reflections of the notion that because our needs have always been addressed in a given way by government, those programs should be perpetuated for their own sake."

In this budget we have tried to retain the best of what we have, while building, innovatively and intelligently, on these strong foundations.

In this budget we have tried to fulfill our responsibility to strengthen our traditional assets, while moving forward in response to change.

As we have noted in the past, a budget is more than a series of figures on a balance sheet.

It is a statement of policy, of goals, of objectives and of the priorities and aspirations of the state and its citizens.

The process of developing these priorities has been a continuation of the system begun two years ago. The departments, supported by a number of private sector volunteers, have worked through the thousands of plans, programs, and computations reflected in the document we now deliver.

The budget presented includes gross appropriations of \$1.111 Billion for 1986 and \$1.129 Billion for 1987. These figures represent a 6.3 percent increase for 1986 and a 1.6 percent increase for 1987.

The net General Fund Appropriations are \$439 Million for 1986 and \$448 Million for 1987, 9.6 percent and 2.1 percent increases, respectively.

There are no new taxes nor increases in fees. In fact, I am recommending two reductions.

The 13.5 percent surtax on business profits, first instituted in 1981, has been eliminated as part of this budget package, and the real estate transfer tax which was increased in the last biennium has, in this budget package, been cut in half.

It is important to note that no agreement on a new contract with state employees has been achieved at this time. This budget as presented tonight, therefore, does not include provisions for wage increases. Consequently, such increases will probably have to be addressed by separate legislation carrying with it its own funding mechanism.

This budget has been prepared according to generally accepted accounting principals, commonly referred to as G.A.A.P., and is being presented in that format. It yields a general fund surplus of \$1.6 Million at the end of the new biennium. It also makes provisions for a General Fund Reserve Account which would be available to handle reserves that might be authorized by the enactment of separate legislation. I strongly support the passage of such legislation to provide for the creation and set aside of such a reserve.

Now to some specifics...

Our total direct funding to cities and towns has been increased by about 15 percent. This represents a total increase of support and program funding of about \$30 Million over the biennium. Again, the overall distribution of around \$220 Million contains an unconditional block grant to assure our communities and school districts that the funding levels will be forthcoming.

We have continued our commitment to compassionately address our responsibility to our citizens with special needs.

In our last budget we were able to increase AFDC Grant levels for the first time in years. In this budget we have been able to provide for a total 5 percent increase in the grant levels.

We continue to improve our commitment to the care of mentally handicapped citizens in our state.

We have aggressively funded in this budget a restructuring of our mental health delivery system in a cost effective manner to include a significant improvement of our community care programs so they are accessible and appropriate for the most disabled citizens across our state.

We will, in our Capital Budget, outline in detail the development of a neuro-psychiatric facility to replace the outmoded functions of our state hospital.

With this budget, we will also complete all our federal court mandates, and we anticipate the end of court jurisdiction over the Developmental Services System begun in the Laconia State School lawsuit seven years ago.

We have made a considerable investment and allocation of funds for Children and Youth Services to accelerate the major changes begun in the last few months.

In the Fast Track Capital Budget, now working its way through the General Court, we are funding reconstruction and renovation of the two principal facilities at the Youth Development Center.

We have funded the operation of the Philbrook Center as a development unit separate from the YDC to accommodate sixteen young people. This will help to improve conditions at the YDC, and to separate detainees from committed youngsters.

We have funded the operation of a separate facility for twenty-four adjudicated females.

These efforts, and a reform of the New Hampshire Settlement Laws as outlined in legislation being sponsored by Senate President Roy, will allow us to complete the refurbishing and restructuring of facilities and services to address these needs which have eluded solution for nearly a decade.

Our natural resource and environmental values are among our most precious New Hampshire assets.

We have continued our commitment and investment to preserve these resources over the long term. In this budget we have responded to the need to protect the health of our citizens against environmental hazards with significant increases in funding in several critical areas.

We have expanded support and staffing in the Hazardous Waste Management Program to continue our successful aggressive efforts in this critical area.

In our Capital Budget Message, we will outline the details of a multi-million dollar, multi-year program to identify our groundwater assets.

To support that effort, we have included, in this operating budget, a coordinated groundwater program to deal with land use impacts on water quality and the organization of information for effective use by our communities and their local boards.

We have funded a newly created Environmental Health Risk Assessment Unit to assess exposures from occupational and environmental sources.

We have also funded a program specifically directed at the regulation and control of underground storage tanks and ancillary facilities.

Provisions have again been made to provide support for maximum state matching dollars of available federal Superfund Cleanup money.

New Hampshire has been among the most aggressive and most successful in obtaining federal Cleanup funds over the past couple of years. To date, we have been allocated nearly \$20 Million in federal funds to support local and regional Cleanup efforts.

Our Air Quality programs have also been expanded to develop a strategy and response to deal with the state, regional, and national efforts to reduce sulfur emissions, improve overall air quality, and reduce acid rain.

Clearly, we are investing in protecting the health of our citizens and the quality of our future.

We have additional natural resource needs. Our parks are in poor condition. They have been neglected too long.

Thus, one of our major investments within this budget has been for the maintenance and refurbishing of our parks and recreation facilities. Although some major investments may be addressed in the Capital Budget, this Operating Budget, on its own, provides nearly \$2 Million for maintenance and repair of the Parks System; up from virtually no expenditure in recent years.

Major renovations have been funded for Sunapee, Cannon, Bear Brook, Moose Brook, and Crawford Notch. And long awaited funding has been provided for repairs and renovations of Daniel Webster's birthplace.

Our wildlife resources are a great and unique asset. We are all aware of the fire that destroyed the Fish and Game Headquarters almost a year ago.

Since then, I have been working with Director Barry, and challenging the Fish and Game Commission to develop a comprehensive plan not only for reconstruction of facilities but revitalization of this very important department.

These efforts have produced a sound plan which replaces the lost facilities with a smaller central facility here in Concord and four new regional facilities to better serve our resources and our hunters and fishermen.

The details for construction and locations will be included in our Capital Budget Message. However, within this budget, we have provided the operating funds this expansion will require.

Outdoor sportsmen make a significant contribution to the state's economy; therefore, I have included, within the department's operating budget, partial support from the General Fund. It has become apparent that this must be done to operate their programs effectively and to complete the required maintenance and refurbishing of their valuable assets across the state.

With this budget, we will reverse the decline and restore the preeminence of this great department.

In a continuation of our effort to work in partnership with the private sector to promote our second largest industry, recreation and tourism, we have included an increase of over \$1.25 Million in the

Promotions Program, essentially doubling the amount available for state supported advertising.

We have not neglected the cultural aspect of our New Hampshire life. This budget doubles state funding for the Commission on the Arts.

In addition, we have restored funding for our state fairs. We have included \$50,000 each year to support and enhance these celebrations of our agricultural heritage.

We have embarked on a 10-year program to restore and preserve our state's important historical documents and to improve the inventory and control of the valuable material in our archives.

In the area of Public Safety, our citizens clearly recognize the need to strengthen our programs dealing with DWI. We have funded a new Five Trooper Team to expand our efforts to get drunk drivers off the road.

In the Traffic Control and the Detective Divisions, a total of eight additional positions have been provided.

Also are funded additional personnel for Arson Investigation, and for Watercraft Safety.

Funding is provided for completion of the State Police Microwave System. Not only for use by our police and safety services, but as a base for future expansions which will permit other agencies to eventually tie into a comprehensive statewide communications system.

In the Office of the Attorney General, the State Medical Examiner will be funded to assist in major criminal investigations.

At the State Prison, this budget increases personnel by over 70 percent to improve security and to staff the new facilities and the growing overall prison population. Other significant increases in personnel were provided to deal with the education, treatment, rehabilitation, and training needs of that population.

The total biennial budget increase of the Department of Corrections, including the transfer of the Forensic Unit to the prison, is over \$9 Million.

Our veteran population is aging. To meet these growing needs, we have authorized new care positions at the State Veterans Home in Tilton.

We are also doubling the state funds of the Veterans Council to provide increased service and support.

Our highway programs will continue the construction and maintenance programs at its nationally recognized level of excellence.

This budget provides for the addition of crews and facilities for the highway sections scheduled to be finished, including those in Franconia and Jefferson.

More than twenty new positions in the Design Section will expand our capability to do more work within the department. That capability is expected to be enhanced by funding in the Capital Budget of the acquisition of hardware and software for a modern computer-aided Design System.

The growth of highway funds to the cities and towns has been continued in a block grant format to allow the flexibility

of the use of those funds begun in the last biennium.

In the past two years, I have made clear my strong commitment to the support of education.

Today, I proudly reiterate this commitment. This budget provides increases across the full spectrum of educational opportunities, including our primary and secondary system, our post-secondary vocational education programs, the State University System, financial aid for our college bound students and expansion of our adult education programs.

We have expanded state funding to assure that all programs, including rehabilitation, vocational education and the School Lunch Program can receive the maximum federal funds available.

We have provided the funds to complete the computerization of the Education Department to improve planning and the allocation of resources.

We have funded extensive statewide student testing programs at three grade levels to provide an effective performance data base for planning and program development.

We have funded the printing and delivery of the New Hampshire History Texts developed by the New Hampshire Constitution Bicentennial Education Commission.

We have fully funded the tuition and transportation costs of the Regional Vocational Education Programs.

We have significantly expanded the building aid program to encourage local school districts to address targeted capital needs.

We have also increased foundation aid to our school districts by 50 percent and have returned to our traditional model of distributing all our net sweepstakes earnings directly to the districts.

In that regard, I support the Augenblick School Funding Distribution formula being proposed. This formula is better, fairer and more representative than the current computation based on assessments alone. I support legislation redirecting the appropriated sums for foundation aid and sweepstakes under such a structure.

We have increased funding in the adult tutorial programs, the adult education programs and the school volunteer programs.

There are two areas of education which are especially worthy of detailed discussion.

In the first of these, we have addressed the special education needs of the state. Catastrophic aid has been increased by approximately \$1 million. An additional \$1 million will be used to address the root problem of the high cost out-of-state placement of students which averages over \$50,000 per year per student.

Currently, there are over one hundred such placements.

These funds will be used to develop programs here in New Hampshire. The first year, eight developmentally disabled and eight severely emotionally disturbed children will be served by the new program. The second year we will double the number of these in-state placements.

These funds will come through the Division of Mental Health and Developmental Services and the Department of Education to supplement local funding.

The second area provides innovative programs to deal with the improvements of the quality, breadth and effectiveness of education in the primary and secondary schools of the state.

Five million dollars have been provided for pilot programs addressing excellence in curriculum, expansion of the professional capacity of the teachers, and performance of our better students. These programs will be coordinated through the Department of Education with the help of an advisory committee on educational initiatives.

The first pilot will be the development of model curricula by our most exceptional teachers in math and science for courses where approximately half of the material would be telecast live to voluntarily participating districts.

This effort would draw upon the experience of similar programs across the country which have demonstrated a capacity to both reduce cost and expand significantly the access of students to the best teachers available.

The key to success of such an initiative appears to be the development of strong interaction between the teaching professionals in each participating district and the central program. This pilot program will include the acquisition of facilities, materials and support for the local teachers' professional development.

The second pilot program will demonstrate the value of enhancing the professional capacity of our teachers through the use of powerful personal computer technology.

This program will fund a few pilot districts to implement the program, develop curriculum support, and evaluate performance and benefits.

The third pilot program builds on the successful trial efforts funded last year. It will develop curriculum and teacher training programs to meet the needs of our better students. These students represent one of our greatest resources, but they have not always been well served by traditional programs. This effort will design and evaluate programs which can be assimilated into local school curricular.

For the biennium, post-secondary vocational education funding has also increased by nearly 5 million general fund dollars. This is an increase of greater than 30 percent.

The central administration and management has been strengthened, given more flexibility in the use and allocation of funds, and provided with the necessary tools for planning and program administration.

New programs and faculty have also been funded within the colleges and institute.

At the New Hampshire Technical Institute there will be a program in diagnostic medical sonography.

At Claremont, the interpreter tutor program has been expanded.

At Laconia, the Graphic Arts Program has been expanded.

Across the board there has been aggressive expansion of the health programs including dental and nursing programs.

This funding should clearly make our excellent, nationally-respected, Post-Secondary Vocational Education System even stronger.

We have renewed our commitment to the university system. Funding has been increased by over \$16 million, with some of those funds directed to expand financial aid to students and making up what appears to be a significant shortfall in comparative faculty salaries.

In addition, funds are included for the Nashua Graduate Center, expanded biotechnical research, new faculty, and expansion of the School of Lifelong Learning Skill Centers in the north country.

It is worth noting that the University will also be an active partner in the educational initiatives for primary and secondary education discussed earlier.

Recognizing that tuition assistance for students attending college at institutions not part of the university system is also a growing need, we have significantly expanded funding for general tuition assistance.

We have funded an addition to the Incentive Grant Program providing money for a Governor's Scholars Program to recognize and reward our best performing students. This program should stimulate and focus recognition on the value of excellence in performance and assist our top students in getting the best education possible.

In conclusion, may I emphasize the budget presented to you this evening is comprehensive. I believe it offers an aggressive but sound approach to meet the needs of our citizens.

This budget addresses our present responsibilities, and establishes the groundwork for our future. It recognizes we cannot do everything, but together we can do a great deal and do it well.

I ask for your help, your support and your prayers.

Two years ago, you responded to the challenges we faced.

Together, we can do it again.

As I said in my inaugural address, This is too great a state to limit our visions . . . why shouldn't we expect to succeed even beyond our wildest dreams?

"After all, we are from New Hampshire."

Sen. Stabile and Rep. Rounds moved that the Joint Convention adjourn.

Adopted.

HOUSE

(Speaker in the Chair)

INTRODUCTION OF GUESTS

Debora Woodward and Mr. and Mrs. Earl Packard, guest and parents of Rep. Bruce Packard.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 7:28 p.m.

RECESS

(Rep. Chardon in the Chair)

Rep. Kinhan offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 302 through 318, and 320 through 332, and Concurrent Resolution Proposing Constitutional Amendment numbered 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS AND CACR
First, second reading and referral

HB 302-FN, relative to foreclosure deeds and payment of the real estate transfer tax. (Levesque of Hillsborough Dist. 30; Gagnon of Hillsborough Dist. 29; McGlynn of Hillsborough Dist. 29 - To Ways and Means)

HB 303, establishing a residency requirement for public utility commissioners. (Pevear of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 304-FN, to protect communities from the fiscal impact of court-ordered placements of children. (Rehlander of Merrimack Dist. 8; Jelley of Merrimack Dist. 17 - To Children, Youth and Elderly Affairs)

HB 305-FN, authorizing the barbering and cosmetology board to set fines. (Dykstra of Hillsborough Dist. 39; Stephen of Dist. 18 - To Executive Departments and Administration)

HB 306-FN, prohibiting state funding of direct abortions. (Barberia of Merrimack Dist. 21; Roberts of Merrimack Dist. 10; Jelley of Merrimack Dist. 17; Schwaner of Rockingham Dist. 9; Johnson of Cheshire Dist. 3 - To Health and Human Services)

HB 307-FN, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985. (Burns of Coos Dist. 5; Scamman of Rockingham Dist. 19; King of Rockingham Dist. 4; Steiner of Hillsborough Dist. 33; Bond of Dist. 1; Hounsell of Dist. 2 - To Appropriations)

HB 308, excluding easements from the definition of a subdivision. (Smith of Hillsborough Dist. 21; Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

HB 309, requiring members of ski patrols to have first aid training. (Guay of Coos Dist. 7; Coulombe of Coos Dist. 8 - To Public Protection and Veterans Affairs)

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor. (Skinner of Rockingham Dist. 21 - To Public Works)

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights. (Dickinson of Carroll Dist. 2; Blanchard of Rockingham Dist. 26 - To Resources, Recreation and Development)

HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of a dam or lowering water level of a pond or lake. (Dickinson of Carroll Dist. 2; Blanchard of Rockingham Dist. 26 - To Municipal and County Government)

HB 313, relative to the workers' compensation advisory council. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 314, to reclassify a certain highway in the town of Dunbarton. (Chandler of Merrimack Dist. 21; Stio of Merrimack Dist. 5 - To Public Works)

HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line. (White of Belknap Dist. 1; Randall of Belknap Dist. 3 - To Public Works)

HB 316, relative to real estate brokers' bonds. (Sloan of Rockingham Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 317, relative to waste lubricating oil disposal. (Bardsley of Merrimack Dist. 1; Dickinson of Carroll Dist. 2; Walter of Grafton Dist. 13; Dupont of Dist. 6; Lessard of Dist. 21 - To Environment and Agriculture)

HB 318, relative to mortgage company escrow accounts. (Lamy of Hillsborough Dist. 46; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 320-FN, increasing the amount of interest paid on property tax abatements. (Phelps of Merrimack Dist. 1; Palumbo of Rockingham Dist. 10 - To Municipal and County Government)

HB 321, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. (Durant of Hillsborough Dist. 32 - To Legislative Administration)

HB 322-FN, eliminating the filing fee for charitable trusts when the market value of trust property is less than \$10,000. (Sallada of Hillsborough Dist. 4 - To Judiciary)

HB 323, relative to the continuance of health care benefits for injured employees. (Burkush of Hillsborough Dist. 43 - To Labor, Industrial and Rehabilitative Services)

HB 324, relative to operation of boats on Mendums pond in the town of Barrington. (Musler of Strafford Dist. 3 - To Resources, Recreation and Development)

HB 325, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. (Smith of Hillsborough Dist. 21; Arris of Hillsborough Dist. 19; Wagner of Hillsborough Dist. 19; Jasper of Hillsborough Dist. 19; Rodgers of Hillsborough Dist. 19; Charbonneau of Dist. 14 - To Public Works)

HB 326, relative to escape from county houses of correction. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 327, relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor. (White of Belknap Dist. 1; Pearson of Belknap Dist. 5; Dexter

of Belknap Dist. 8; Brough of Belknap Dist. 10; Holbrook of Belknap Dist. 13; Hawkins of Belknap Dist. 5 - To Public Works)

HB 328, relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E. (Lewis of Merrimack Dist. 5; Blair of Grafton Dist. 8; Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees. (Schwaner of Rockingham Dist. 9 - To Environment and Agriculture)

HB 330, relative to the taking of deer. (Pantelakos of Rockingham Dist. 24 - To Fish and Game)

HB 331, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. (Duprey of Hillsborough Dist. 31 - To Judiciary)

HB 332, removing the liquor commission and the department of employment security from the exception to the data processing authority of the director of information services. (Randall of Belknap Dist. 3; Gourdeau of Rockingham Dist. 8 - To Science and Technology)

CACR 13, relating to power of the general court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes need not be proportional and that taxes may be imposed on a graduated scale. (Packard of Strafford Dist. 4 - To Constitutional and Statutory Revision)

RECESS

(Rep. Sytek in the Chair)

Rep. Chamberlin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 225 and 333 through 399 and 401 through 416 and House Bills of Intent numbered 2002 through 2004, and Concurrent Resolution Proposing Constitutional Amendment numbered 16, and House Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS,

HBIs, CACRs and HCR

First, second reading and referral

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor. (Miller of Cheshire Dist. 1; LaMott of Grafton Dist. 5; Chambers of Grafton Dist. 12; Parker of Cheshire Dist. 11; Lindblade of Sullivan Dist. 5; Kidder of Merrimack Dist. 2; Townsend of Sullivan Dist. 1; King of Grafton Dist. 12; Ward of Grafton Dist. 1; Mann of Grafton Dist. 5; Crory of Grafton Dist. 12; Sullivan of Cheshire Dist. 12; Whitcomb of Grafton Dist. 1; Wadsworth of Grafton Dist. 13; Burley of Cheshire Dist. 2; Walter of Grafton Dist. 13; Schotanus of

Sullivan Dist. 1; Arnesen of Grafton Dist. 7; D'Amante of Sullivan Dist. 7; Bean of Grafton Dist. 13; Brideau of Coos Dist. 8; Rodeschin of Sullivan Dist. 2; Jacobson of Merrimack Dist. 2; Spaulding of Sullivan Dist. 6; Davis of Cheshire Dist. 8; Disnard of Sullivan Dist. 6; McAvoy of Grafton Dist. 1; Johnson of Sullivan Dist. 2; Fields of Hillsborough Dist. 13; York of Coos Dist. 8; Brodeur of Sullivan Dist. 7; Christy of Grafton Dist. 11; Morse of Cheshire Dist. 2; Russell of Cheshire Dist. 17; Horton of Coos Dist. 4; Marsh of Coos Dist. 1; Normandin of Sullivan Dist. 8; Perry of Cheshire Dist. 10; Matson of Cheshire Dist. 7; Chardon of Coos Dist. 6; Burns of Coos Dist. 5; Copenhaver of Grafton Dist. 12; Ramsay of Cheshire Dist. 10; Taffe of Grafton Dist. 6; Townsend of Grafton Dist. 13; Guay of Coos Dist. 7; Mehegan of Sullivan Dist. 3; Delano of Cheshire Dist. 3; Schwartz of Cheshire Dist. 13; King of Grafton Dist. 6; McKee of Sullivan Dist. 8; Ridge of Cheshire Dist. 17; Ingram of Sullivan Dist. 4; Scranton of Cheshire Dist. 16; Call of Sullivan Dist. 2; Riley of Cheshire Dist. 5; Domini of Sullivan Dist. 5; Coulombe of Coos Dist. 8; Gordon of Cheshire Dist. 5; Thompson of Cheshire Dist. 9; Densmore of Grafton Dist. 3; Nichols of Merrimack Dist. 2; Theriault of Coos 8; Foss of Coos Dist. 2; Connolly of Merrimack Dist. 7; Eaton of Cheshire Dist. 4; Weymouth of Grafton Dist. 2; Scanlan of Grafton Dist. 11; Blacketer of Cheshire Dist. 16; Secord of Cheshire Dist. 3; Blaisdell of Dist. 10; Wiggins of Dist. 8; Hough of Dist. 15; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 333-FN, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectable checks. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 334-FN, relative to the licensing of dogs. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 335, relative to procedures for charter revision or adoption. (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 336, allowing manufactured housing to be located in any residential area in a municipality. (Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 337, relative to the filing period for declarations of candidacy and for party committees. (Rounds of Grafton of Dist. 10 - To Constitutional and Statutory Revision)

HB 338-FN, establishing the office of utility consumer advocate and making an appropriation therefor. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 339, relative to state employee bargaining rights. (Hutchings of Grafton Dist. 8 - To Labor, Industrial and Rehabilitative Services)

HB 340, relative to accomplices. (Scamman of Rockingham Dist. 19 - To Judiciary)

HB 341, providing for an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor. (Scamman of Rockingham Dist. 19 - To Public Works)

HB 342-FN, increasing the amount of the tax exemption for post-secondary institutions. (Walker of Rockingham Dist. 17; Davis of Cheshire Dist. 8; O'Rourke of Hillsborough Dist. 35; Case of Rockingham Dist. 6; Boucher of Rockingham Dist. 23; Pearson of Belknap Dist. 5; Nelson of Hillsborough Dist. 31 - To Education)

HB 343, making a supplemental appropriation for assigned counsel for indigent defendants. (Sytek of Rockingham Dist. 20 - To Appropriations)

HB 344, repealing the mini Davis-Bacon act. (Dickinson of Carroll Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 345, relative to 4 year terms for the secretary of state and the state treasurer. (Flanagan of Rockingham Dist. 8; Krasker of Rockingham Dist. 27 - To Constitutional and Statutory Revision)

HB 346, establishing an instructional equipment special fund and making an appropriation therefor. (Walker of Rockingham Dist. 17; Davis of Cheshire Dist. 8; Sanderson of Rockingham Dist. 25; Boucher of Rockingham Dist. 23; Case of Rockingham Dist. 6 - To Education)

HB 347-FN, relative to the current use tax. (Whitemore of Merrimack Dist. 10; Dingle of Strafford Dist. 4; Johnson of Cheshire Dist. 3; Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 348-FN, establishing term life insurance for any governor, governor-elect or acting governor and making an appropriation therefor. (Malcolm of Rockingham Dist. 17; Hollingworth of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 349-FN, relative to educationally related services. (Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23; Burton of Strafford Dist. 4 - To Education)

HB 350-FN, providing that property tax exemptions for the elderly be indexed to reflect increases or decreases in the cost of living. (Welch of Rockingham Dist. 10; Ames of Rockingham Dist. 10 - To Municipal and County Government)

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike. (Levesque of Hillsborough Dist. 30; Jacobson of Hillsborough Dist. 26; Carragher of Hillsborough Dist. 22; Chamberlin of Strafford Dist. 4; Wood of Hillsborough Dist. 22 - To Public Works)

HB 352-FN, establishing a study committee to resolve the erosion problem affecting the New Hampshire coastline and making an appropriation therefor. (Hollingworth of Rockingham Dist. 17; Parr of Rockingham Dist. 17; Pevear of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Preston of Dist. 23 - To Environment and Agriculture)

HB 353, relative to rehabilitation of the Nashua-Bennington and Concord-Clairemont

rail lines and making an appropriation therefor. (LaMott of Grafton Dist. 5; Guay of Coos Dist. 7 - To Public Works)

HB 354, eliminating the checkout procedure on election day. (Kelley of Hillsborough Dist. 13; Nute of Hillsborough Dist. 13; G. Watson of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HB 355, to acquire abandoned railroad lines and making an appropriation therefor. (Ingram of Sullivan Dist. 4; Hoar of Rockingham Dist. 6; Johnson of Dist. 17 - To Public Works)

HB 356-FN, exempting certain transfers between brothers and sisters from New Hampshire's inheritance tax. (Crory of Grafton Dist. 12 - To Ways and Means)

HB 357-FN, making an appropriation to the sweepstakes special fund. (Rounds of Grafton Dist. 10 - To Appropriations)

HB 358, relative to driver's license revocations under the implied consent law. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 359, relative to driver's license revocation appeals. (Eaton of Cheshire Dist. 4 - To Transportation)

HB 360, relative to the penalty for escape from a house of correction. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 361, relative to loitering. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 362, relative to restitution. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 363, relative to the issuance of bad checks. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 364, relative to privileged communications for certified psychologists, pastoral counselors, and social workers. (Jensen of Belknap Dist. 6; King of Grafton Dist. 6; St. Jean of Dist. 20 - To Executive Departments and Administration)

HB 365, relative to a study of the traffic problems on Route 102 in the town of Derry. (Bangs of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; Newell of Rockingham Dist. 7 - To Public Works)

HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems. (Hollingworth of Rockingham Dist. 17 - To Science and Technology)

HB 367, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. (Duprey of Hillsborough Dist. 31 - To Judiciary)

HB 368-FN, reducing the fee for vanity plates. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 369-FN, relative to maintaining the Old Man of the Mountain and making an appropriation therefor. (Densmore of Grafton Dist. 3; King of Grafton Dist. 6; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district. (Quimby of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 371, to restore the curative statute for deeds defectively witnessed. (Sanderson of Rockingham Dist. 25; Lown of Hillsborough Dist. 9 - To Judiciary)

HB 372, conforming the state pollution laws to federal standards for the purpose of the National Pollutant Discharge Elimination System permit program. (Matson of Cheshire Dist. 7 - To Resources, Recreation and Development)

HB 373, relative to terms of appointment and boards and commissions. (Whittemore of Merrimack Dist. 10; Roberts of Merrimack Dist. 10; Mehegan of Sullivan Dist. 3; Townsend of Grafton Dist. 13; Millard of Merrimack Dist. 4 - To Executive Departments and Administration)

HB 374-FN, making a supplemental appropriation to distribute sweepstakes funds received in excess of the original estimate. (King of Grafton Dist. 12; Krasker of Rockingham Dist. 27 - To Appropriations)

HB 375, relative to hazardous waste facilities. (H. Watson of Hillsborough Dist. 13; G. Watson of Hillsborough Dist. 13; Nute of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Fields of Hillsborough Dist. 13; Roberge of Dist. 9 - To Environment and Agriculture)

HB 376-FN, establishing a forensic polygraph licensing board. (Burkush of Hillsborough Dist. 43 - To Executive Departments and Administration)

HB 377, making the provision of services to persons who have not obtained necessary building or other town permits a misdemeanor. (Hoar of Rockingham Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 378-FN, relative to funding the special railroad fund and making a supplemental appropriation therefor. (Newcombe of Hillsborough Dist. 25; Hoar of Rockingham Dist. 6; Ingram of Sullivan Dist. 4 - To Public Works)

HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax. (Reardon of Hillsborough Dist. 37 - To Ways and Means)

HB 380, relative to the tax on municipal bonds. (Knight of Hillsborough Dist. 6 - To Ways and Means)

HB 381-FN, providing free trapping licenses for persons over 68 years of age. (Scamman of Rockingham Dist. 19 - To Fish and Game)

HB 382, requiring school administrative unit superintendents to prepare annual budget reports. (LaMott of Grafton Dist. 5 - To Education)

HB 383-FN, making a supplemental appropriation for the tuition and transportation costs of regional vocational students. (Bolduc of Belknap Dist. 10; Burton of Strafford Dist. 4; Boucher of Rockingham Dist. 23; Dexter of Belknap Dist. 8; Johnson of Dist. 17 - To Appropriations)

HB 384, relative to the time for holding school district elections in Claremont. (Spaulding of Sullivan Dist. 6 - To Education)

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Public Works)

HB 386-FN, establishing a bureau of international trade and a non-profit corporation to promote New Hampshire businesses and products overseas, and making an appropriation therefor. (Hutchings of Grafton Dist. 8; King of Grafton Dist. 6; Carragher of Hillsborough Dist. 22; St. Jean of Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 387-FN, relative to funds for the automated information system in the state library. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 388-FN, expanding the exemption available for stepchildren and stepparents under the legacy and succession tax. (Dickinson of Carroll Dist. 2; Whittemore of Merrimack Dist. 10; Chambers of Grafton Dist. 12; Heath of Dist. 3; Housnell of Dist. 2; Bond of Dist. 1; Lessard of Dist. 21; Preston of Dist. 23 - To Ways and Means)

HB 389-FN, relative to village water districts. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 390-FN, changing the funding of special education and making an appropriation therefor. (Campbell of Rockingham Dist. 20 - To Education)

HB 391, establishing an east-west toll road from Route I-393 in Concord to the Spaulding Turnpike in Dover and making an appropriation therefor. (LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3; Chamberlin of Strafford Dist. 4; Lessard of Dist. 21 - To Public Works)

HB 392-FN, relative to special plates for former prisoners of war. (Lamontagne of Coos Dist. 7 - To Municipal and County Government)

HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)

HB 394-FN, relative to liability for educationally handicapped children who transfer to a different school district. (Hardy of Belknap Dist. 4; Brown of Belknap Dist. 4 - To Education)

HB 395-FN, establishing a commission on the family and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 396, relative to special moped licenses. (Jacobson of Merrimack Dist. 2 - To Transportation)

HB 397-FN, establishing a commission to study the recodification of state laws on municipalities. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 398-FN, relative to mandatory mediation and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 399-FN, establishing a domestic relations commissioner pilot program and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 401-FN, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 402-FN, determining financial liability for certain educationally handicapped children under the supervision

of the division for children and youth services and making an appropriation therefor. (Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23 - To Education)

HB 403-FN, licensing commercial animal training, boarding, and grooming facilities. (Scamman of Rockingham Dist. 19 - To Executive Departments and Administration)

HB 404-FN, deleting the requirement for district court sessions in Epping. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 405-FN, establishing a care management system for the elderly and making an appropriation therefor. (Joslyn of Rockingham Dist. 20; Townsend of Sullivan Dist. 1; A. Torr of Strafford Dist. 6; Copenhaver of Grafton Dist. 12; McLane of Dist. 15 - To Children, Youth and Elderly Affairs)

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor. (Spaulding of Sullivan Dist. 6; Whittemore of Merrimack Dist. 10; Krasker of Rockingham Dist. 27; Packard of Hillsborough Dist. 34; Copenhaver of Grafton Dist. 12; Sanderson of Rockingham Dist. 25; McLane of Dist. 15; Podles of Dist. 16; Blaisdell of Dist. 10; Lessard of Dist. 21 - To Health and Human Services)

HB 407, relative to licensing tattoo parlors. (Copenhaver of Grafton Dist. 12 - To Executive Departments and Administration)

HB 408-FN, establishing a committee to study the feasibility of divestiture of state liquor stores and making an appropriation therefor. (Hollingworth of Rockingham Dist. 17; King of Grafton Dist. 6; Raiche of Hillsborough Dist. 41 - To Regulated Revenues)

HB 409-FN, authorizing a municipal road pay-back fee system. (Golden of Belknap Dist. 7; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 410, relative to the resolution of public employee labor disputes. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 411, allowing the corporate charter of the Laconia airport authority. (Pearson of Belknap Dist. 5; Bolduc of Belknap Dist. 10; White of Belknap Dist. 1; Hawkins of Belknap Dist. 5 - To Municipal and County Government)

HB 412, allowing Newmarket to separate from school administrative unit number 14. (Blanchette of Rockingham Dist. 12 - To Education)

HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court. (Golden of Belknap Dist. 7 - To Judiciary)

HB 414, relative to the purchasing authority of the director, division of plant and property management. (White of Belknap Dist. 1 - To Executive Departments and Administration)

HB 415-FN, making an appropriation for an adult dental program for AFDC recipients. (Wallner of Merrimack Dist. 18; Diamant of Strafford Dist. 3 - To Health and Human Services)

HB 416-FN, making an appropriation to increase the amount allocated for rent in the AFDC grant. (Diamant of Strafford Dist. 3 - To Health and Human Services)

HBI 2002, relating to the problems caused by OHRVs, snow traveling vehicles and all terrain vehicles. (Dickinson of Carroll Dist. 2; Powers of Carroll Dist. 5; Podles of Dist. 16 - To Resources, Recreation and Development)

HBI 2003, relating to private firefighter certification. (Raynowska of Rockingham Dist. 20; Burkush of Hillsborough Dist. 43 - To Public Protection and Veterans Affairs)

HBI 2004, relating to procurement of computer equipment by the state and its political subdivisions. (Hyman of Hillsborough Dist. 3 - To Science and Technology)

CACR 16, relating to the term of the governor. Providing that the term shall be 4 years. (Hawkins of Belknap Dist. 5; Densmore of Grafton Dist. 3; Skinner of Rockingham Dist. 21; Townsend of Sullivan Dist. 1 - To Constitutional and Statutory Revision)

HC 6, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Roberts of Merrimack Dist. 10; Barberia of Merrimack Dist. 21; Schwaner of Rockingham Dist. 9; E. Wheeler of Hillsborough Dist. 10; Welch of Rockingham Dist. 10; Hounsell of Dist. 2; Chandler of Dist. 7 - To Constitutional and Statutory Revision)

RECESS

(Rep. Rounds in the Chair)

Rep. Stio offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 417 through 488 and House Bill of Intent 2005, and House Joint Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS, HBI & HJR

First, second reading and referral

HB 417-FN, increasing the tax on gross receipts from boxing bouts. (Newcombe of Hillsborough Dist. 25 - To Ways and Means)

HB 418-FN, relative to motor vehicle registration fees. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program and making an appropriation therefor. (Chardon of Coos Dist. 6 - To Resources, Recreation and Development)

HB 420-FN, relative to proceeds from furbearers confiscated or acquired by the department of fish and game. (Dionne of Strafford Dist. 5 - To Fish and Game)

HB 421-FN, appropriating funds for facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. (Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23 - To Education)

HB 422-FN, relative to the training of dogs. (Sherburne of Rockingham Dist. 2 - To Fish and Game)

HB 423, authorizing municipalities to issue revenue bonds. (Gross of Merrimack Dist. 16; McLane of Dist. 15 - To Municipal and County Government)

HB 424, relative to placing a candidate's name on the ballot when he is the candidate of more than one party. (Guay of Coos Dist. 7 - To Constitutional and Statutory Revision)

HB 425-FN, relative to the real estate transfer tax. (Guay of Coos Dist. 7 - To Ways and Means)

HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 427-FN, increasing the per diem for members of the public employee labor relations board. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 428-FN, relative to mortgage home loans. (Lamy of Hillsborough Dist. 46; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 429-FN, appropriating funds for participation in the federal groundwater mapping program. (LaMott of Grafton Dist. 5; Rounds of Grafton Dist. 10; Woodward of Rockingham Dist. 18; Tamposi of Hillsborough Dist. 27; Meader of Strafford Dist. 10; Blaisdell of Dist. 10 - To Resources, Recreation and Development)

HB 430-FN, to subdivide the youth development center campus and apply the proceeds to establish regional youth facilities. (Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5 - To State Institutions and Housing)

HB 431-FN, amending the business profits tax. (Jones of Strafford Dist. 6; Blaisdell of Dist. 10 - To Ways and Means)

HB 432-FN, making an appropriation to the small business development program. (Walker of Rockingham Dist. 17; LaMott of Grafton Dist. 5 - To Education)

HB 433-FN, establishing an academy of science, arts, and technological innovation. (Newell of Rockingham Dist. 7; Wight of Hillsborough Dist. 9; Palumbo of Rockingham Dist. 10; Labombarde of Hillsborough Dist. 22; Smith of Hillsborough Dist. 21; Bartlett of Dist. 19 - To Science and Technology)

HB 434-FN, relative to missing children and making an appropriation therefor. (Hollingworth of Rockingham Dist. 17; Raiche of Hillsborough Dist. 41; Gage of Rockingham Dist. 13 - To Children, Youth and Elderly Affairs)

HB 435, relative to repairing the Hampton Beach state park and the seashell at Hampton Beach and making an appropriation therefor. (Hollingworth of Rockingham Dist. 17; Parr of Rockingham Dist. 17; Pevear of

Rockingham Dist. 17; Walker of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17 - To Public Works)

HB 436-FN, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor. (F. Torr of Strafford Dist. 6; LaMott of Grafton Dist. 5; A. Torr of Strafford Dist. 6; Lessard of Dist. 21 - To Public Works)

HB 437-FN, relative to an engineering study of the intersection of Route 9 and Route 155 and making an appropriation therefor. (F. Torr of Strafford Dist. 6; LaMott of Grafton Dist. 5; Lessard of Dist. 21 - To Public Works)

HB 438-FN, relative to Route 16 from the town of Gorham to the town of Glen and making an appropriation therefor. (Guay of Coos Dist. 7; Brungot of Coos Dist. 8; Lamontagne of Coos Dist. 7; Ottolimi of Coos Dist. 8 - To Public Works)

HB 439-FN, relative to the financing of regional planning commissions and making an appropriation therefor. (Perry of Cheshire Dist. 10; Matsen of Cheshire Dist. 7; LaMott of Grafton Dist. 5; Wight of Hillsborough Dist. 9; Pevear of Rockingham Dist. 17; Blaisdell of Dist. 10 - To Resources, Recreation and Development)

HB 440-FN, relative to sovereign immunity. (Sytek of Rockingham Dist. 20; Boyer of Dist. 13 - To Judiciary)

HB 441-FN, relative to simulcast racing. (Rounds of Grafton Dist. 10; Blaisdell of Rockingham Dist. 13; Parr of Rockingham Dist. 17; Chambers of Grafton Dist. 12; Ramsay of Cheshire Dist. 10; Blaisdell of Dist. 10; Lessard of Dist. 21; White of Dist. 11 - To Regulated Revenues)

HB 442-FN, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; Riley of Cheshire Dist. 5; Boucher of Rockingham Dist. 23; Lessard of Dist. 21 - To Education)

HB 443-FN, establishing the division of fleet administration and making an appropriation therefor. (LaMott of Grafton Dist. 5; White of Dist. 11 - To Executive Departments and Administration)

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Krasker of Rockingham Dist. 27; F. Torr of Strafford Dist. 6; LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3; Boyer of Dist. 13 - To Judiciary)

HB 445-FN, relative to local probation services and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Robinson of Strafford Dist. 4; Bangs of Rockingham Dist. 7 - To Judiciary)

HB 446-FN, relative to catastrophic aid to school districts and making an appropriation therefor. (Taffe of Grafton Dist. 6; Robinson of Hillsborough Dist. 14; Kinhan of Merrimack Dist. 14; Chambers of Grafton Dist. 12 - To Education)

HB 447-FN, relative to distribution of assets seized in controlled drug arrests and appropriating certain proceeds to the drug forfeiture fund. (Sytek of Rockingham Dist.

20; Nelson of Hillsborough Dist. 31; Charbonneau of Dist. 14; Heath of Dist. 3 - To Judiciary)

HB 448-FN, relative to the radiological health program. (Labombarde of Hillsborough Dist. 22 - To Health and Human Services)

HB 449, relative to marriages of minors and waiver of the waiting period for marriage. (Gordon of Merrimack Dist. 7 - To Judiciary)

HB 450-FN, relative to control and eradication of milfoil, authorizing additional personnel and making an appropriation therefor and repealing an obsolete provision. (Dexter of Belknap Dist. 8; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)

HB 452-FN, relative to multicounty grand juries. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 453, relative to theft of utility services. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 454, relative to courtroom security. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 455-FN, establishing a task force to develop a teacher evaluation model and training component and making an appropriation therefor. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Bolduc of Belknap Dist. 10; Boucher of Rockingham Dist. 23 - To Education)

HB 456-FN, relative to a forgivable loan program and making an appropriation therefor. (Taffe of Grafton Dist. 6; Robinson of Hillsborough Dist. 14; Krasker of Rockingham Dist. 27; Lessard of Dist. 21 - To Education)

HB 457-FN, relative to foundation aid to certain school districts. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Nelson of Hillsborough Dist. 31; Bolduc of Belknap Dist. 10; Rehlander of Merrimack Dist. 8; Charbonneau of Dist. 14 - To Education)

HB 458-FN, relative to current use assessment and making an appropriation therefor. (Taffe of Grafton Dist. 6; - To Environment and Agriculture)

HB 459-FN, establishing a local water protection assistance program and making an appropriation therefor. (Woodward of Rockingham Dist. 18; Dickinson of Carroll Dist. 2; Bardsley of Merrimack Dist. 1; Johnson of Dist. 17 - To Resources, Recreation and Development)

HB 460-FN, relative to the board of examiners of psychologists and making an appropriation therefor. (Kinhan of Merrimack Dist. 14; Butler of Rockingham Dist. 11; Zeckhausen of Belknap Dist. 11; Chambers of Grafton Dist. 12 - To Executive Departments and Administration)

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor. (King of Rockingham Dist. 4; Levesque of Hillsborough Dist. 30; Perham of Hillsborough Dist. 10 - To Public Protection and Veterans Affairs)

HB 462-FN, transferring liquor investigators from group I to group II in the New Hampshire retirement system. (Blanchette of Rockingham Dist. 12; Powers of Carroll Dist. 5; Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 463-FN, allowing forfeiture to the state of certain property used in the perpetration of a crime, with proceeds from the sale of such property to be used to compensate the crime victim. (Young of Cheshire Dist. 1 - To Judiciary)

HB 464-FN, making an appropriation for the hiring of building service workers. (Gordon of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor. (Krasker of Rockingham Dist. 27; Scranton of Cheshire Dist. 16; LaMott of Grafton Dist. 5; Kinhan of Merrimack Dist. 14; Griffin of Dist. 24; Hough of Dist. 5; Blaisdell of Dist. 10 - To Education)

HB 466-FN, relative to highway billboards, off and on premise signs. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 467-FN, imposing a narrow-based sales tax to benefit education. (Sherburne of Rockingham Dist. 2 - To Ways and Means)

HB 468-FN, relative to the Smith dam in the town of West Wilton and making an appropriation therefor. (Mason of Hillsborough Dist. 8 - To Resources, Recreation and Development)

HB 469-FN, providing that 10 percent of business profits tax revenues be deposited in special account in the highway fund. (Smith of Hillsborough Dist. 21; Jasper of Hillsborough Dist. 19; Charbonneau of Dist. 14 - To Ways and Means)

HB 470-FN, relative to homemaker services. (MacDonald of Rockingham Dist. 28; Parks of Strafford Dist. 6; Hager of Merrimack Dist. 21; Dickinson of Carroll Dist. 2; Whittemore of Merrimack Dist. 10 - To Health and Human Services)

HB 471-FN, transferring certain division of forests and lands employees of the department of resources and economic development from group I to group II of the New Hampshire retirement system and making an appropriation therefor. (Matson of Cheshire Dist. 7 - To Executive Departments and Administration)

HB 472-FN, establishing a division of information technology and planning within the department of administrative services and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Executive Departments and Administration)

HB 473-FN, establishing a fund for data processing projects and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 474-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 475-FN, directing the division of information services, department of administrative services, to conduct a

statewide resource and information data base study and making an appropriation therefor. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 476-FN, relative to the health services competition law and making an appropriation therefor. (Townsend of Sullivan Dist. 1 - To Health and Human Services)

HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program. (Walker of Rockingham Dist. 17; Taffe of Grafton Dist. 6; O'Rourke of Hillsborough Dist. 35; Robinson of Hillsborough Dist. 14; Lessard of Dist. 21 - To Education)

HB 478-FN, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses. (Jones of Strafford Dist. 6; LaMott of Grafton Dist. 5; Knight of Hillsborough Dist. 6; Tamposi of Hillsborough Dist. 27 - To Health and Human Services)

HB 479-FN, establishing an alcohol and drug abuse prevention fund. (Jones of Strafford Dist. 6; LaMott of Grafton Dist. 5; Knight of Hillsborough Dist. 6; Tamposi of Hillsborough Dist. 27 - To Ways and Means)

HB 480-FN, creating the north country development foundation. (King of Grafton Dist. 6; Hutchings of Grafton Dist. 8; Densmore of Grafton Dist. 3 - To Resources, Recreation and Development)

HB 481-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. (Boucher of Rockingham Dist. 23 - To Labor, Industrial and Rehabilitative Services)

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor. (Nelson of Hillsborough Dist. 31; Nagel of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1950-51 school year. (Robinson of Merrimack Dist. 3; Johnson of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 484-FN, relative to the general fund distribution to cities and towns. (Jacobson of Merrimack Dist. 2 - To Appropriations)

HB 485-FN, relative to the number plate fund. (LaMott of Grafton Dist. 5 - To Public Works)

HB 486-FN, authorizing the board of governors to sell or lease certain property owned by the vocational-technical institutions and continually appropriating the income from such sales or leases. (Brideau of Coos Dist. 8; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5 - To Education)

HB 487-FN, eliminating the requirement that counties reimburse the state for superior court and probate court costs for fiscal year 1985. (F. Torr of Strafford Dist. 6; Dickinson of Carroll Dist. 2; Schotanus of Sullivan Dist. 2; Gordon of

Cheshire Dist. 5; Burns of Coos Dist. 5; Taffe of Grafton Dist. 6; Kidder of Merrimack Dist. 2; Flanagan of Rockingham Dist. 8 - To Judiciary)

HB 488, authorizing construction of the Franklin-Laconia bypass and bridge on Route 11 between Franklin and Tilton and making an appropriation therefor. (White of Belknap Dist. 1 - To Public Works)

HBI 2005, relating to funding the arts through business contributions. (Scranton of Cheshire Dist. 16 - To Education)

HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy. (Townsend of Grafton Dist. 13 - To Appropriations)

INTRODUCTION OF GUEST

Chanda Szot, guest of Rep. Rounds.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 7

Tuesday, 26Feb85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, there are times we feel harried, times when we witness the apparent success of those who oppose You, times when we would give anything for the pressure and pace to slack off for a tide. Help us each day to be able to stop and know Your peace and blessing. Give to us the peace that passes all understanding and lets us see the blessings all about us. Amen.

Rep. Domini led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ottolini, Kinhan, Krasker, Wadsworth and Dupont, the day, illness.

Reps. Lewis, Millard, Stachowske, Newcombe, Mehegan, Allgeyer, Champoux, Riley, D'Amante and Reardon, the day, important business.

INTRODUCTION OF GUESTS

4th Grade students and their chaperons from Troy Christian School; Weeblos and Boy Scouts with their leaders and chaperons from Weare and Milford; Victoria Skeats, Winifred Guess and William Bardsley, mother, cousin and husband, guests of Rep. Bardsley; Rick St. Hillaire, Political Science Student, Concord Senior High School, guest of Rep. Jelley; Richard Bridgewater and Chris Rollins, guests of Rep. Bridgewater; Dr. Amos Townsend, guest of Rep. Howard Townsend; Arlene Sochalski and Minta Notini, guests of Rep. Sochalski; Mrs. William Kidder and grandson, Will Kidder, guests of Rep. Kidder; Martha Robinson, guest of Rep. Ellen-Ann Robinson.

COMMUNICATION

John B. Tucker
Speaker of the House

Dear Mr. Speaker:

Having moved from Laconia, Belknap, District 9, to Belmont, New Hampshire, I hereby submit my resignation as a member of the General Court. I have enjoyed my tenure with the legislature and regret having to resign because of a change in residence.

Sincerely,
Richard W. Bastraw

THREE-LEGISLATIVE DAY EXTENSIONS GRANTED

Rep. Powers moved that the Committee on Fish and Game be granted a three-legislative day extension on HB 45, relative to licenses issued by the department of fish and game.
Granted.

Rep. Flanagan moved that the Committee on Constitutional and Statutory Revision be granted a three-legislative day extension on HB 72, relative to the submission and certification of nomination papers.
Granted.

VACATE

Rep. Sytek moved that the House vacate the reference of HB 367, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose.

Adopted.

The Speaker referred HB 367 to the Committee on Commerce, Small Business and Consumer Affairs.

SENATE MESSAGES CONCURRENCE

HB 7, relative to the rulemaking authority of the adjutant general of the New Hampshire national guard.

REQUESTS CONCURRENCE

SB 11, relative to the classification of the Nashua River.

SB 13, relative to certain wild birds.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries. (Amendment printed SJ 2/19)

Rep. Sytek moved that the House concur.
Adopted.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate Bills numbered 11 and 13, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 11, relative to the classification of the Nashua River. (Resources, Recreation and Development)

SB 13, relative to certain wild birds. (Fish and Game)

ENROLLED BILLS REPORT

HB 7, relative to the rulemaking authority of the adjutant general of the New Hampshire national guard.

Rep. Natalie S. Flanagan
For the Committee.

Rep. Chardon moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 36 was removed at the request of Rep. Sytek.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 173-FN, establishing and making an appropriation for the New Hampshire Bicentennial Commission on the United States Constitution. Ought to Pass with Amendment.

In 1981, the Legislature established the New Hampshire Bicentennial Commission on the United States Constitution. As amended, HB 173-FN continues this commission and appropriates \$50,000 to be spent, together with funds raised from the private sector, to commemorate this event in an appropriate manner. Vote 18-0. Rep. William F. Kidder for Appropriations.

Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Appropriation. The sum of \$50,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1985, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The appropriation shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$50,000 appropriation, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriation shall not lapse on June 30, 1985. The commission may expend moneys from the fund for its purposes through the fiscal year ending on June 30, 1988. Any moneys remaining in the fund on June 30, 1988, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

HB 218-FN, reimbursing the town of Nottingham for fire fighting expenses in the Pawtuckaway state park and making an appropriation therefor. Ought to Pass with Amendment

Under present law municipalities are reimbursed for only half the actual costs of fighting a fire on state property. This bill appropriates the second half of the fire fighting expense incurred by the Town of Nottingham. A bill to do this for all towns will be introduced later this session; in the meantime the committee felt Nottingham should receive full payment largely

because Nottingham has already prepaid the costs of the other towns involved. The amendment specifies the exact amount involved. Vote 18-2. Rep. William F. Kidder for Appropriations.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$2,310.92 is hereby appropriated to the town of Nottingham to reimburse the town's share of the expenses involved in fighting a fire in the Pawtuckaway state park in September, 1984. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 175, changing the apportionment of delegates to state party conventions from certain municipalities. Refer for Interim Study.

This bill needs a great deal of work on the election of delegates. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 84, relative to clarification of certain terms concerning special education children. Ought to Pass with Amendment.

House Bill 84 is a housekeeping bill that clarifies, but does not change the meaning of the statutes amended. Vote 19-0. Rep. Betty Jo Taffe for Education.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 New Definition. Amend RSA 193:27 by inserting after paragraph V the following new paragraph:

VI. "School district" means a school district in the state.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 85, relative to the appeals process for special education. Ought to Pass. House Bill 85 makes RSA 193:3 consistent with federal due process requirements for educationally handicapped children and with State Board of Education regulations under RSA 186-C:16. The purpose of the bill is to reflect present practice regarding special education appeals. Vote 19-0. Rep. Betty Jo Taffe for Education.

HB 109-FN, relative to sunset review of the division of vocational technical education. Ought to Pass with Amendment. The Committee reviewed the Sunset report and recommends that this unit is necessary and ought to be continued. The amendment provides for regular reporting from the State Board of Education to the Legislature. Vote 19-0. Rep. Edmund M. Keefe for Education.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Regional Center Program Review.

I. The state board of education and the department of education shall conduct a study of the regional vocational education center program or 20 center concept and secondary vocational education. This study shall examine:

(a) the effectiveness of the present regional center program;

(b) the other options available for delivery of secondary vocational programs, such as smaller facilities; and

(c) the long-term financial implications, including tuition and transportation payments and construction costs, of the regional center program and other available options.

II. In conducting this study, the board shall solicit the advice of school districts throughout the state.

III. The results of this study, together with the board's specific recommendations for future action, shall be submitted to the general court by January 1, 1986. The board shall also submit an interim report on the study within 6 months of the effective date of this act.

4 New Sections. Amend RSA 186 by inserting after section 40 the following new sections:

186:40-a Vocational-Technical Education Plan.

I. The state board of education, the department of education, and the board of governors of the department of post-secondary vocational-technical education shall develop an annual comprehensive plan for vocational education which outlines the basic missions of the secondary and post-secondary systems.

II. This plan shall provide for coordination of vocational program development in the secondary and post-secondary systems to ensure that the needs of the state are met in an efficient manner.

III. In developing the annual plan the department of education and department of post-secondary vocational-technical education shall conduct an analysis of the vocational and occupational needs of the state and compare these needs to the educational programs being offered.

IV. The vocational education plan shall be reviewed annually and submitted to the general court by January 1 of each year.

186:40-b Performance Goals.

I. The state board of education and the department of education shall establish performance goals for secondary vocational-technical programs. These performance goals shall include objectives for such things as the number of students expected to obtain employment in related fields as well as their expected compensation.

II. The department shall use these criteria to evaluate the effectiveness and value of individual vocational programs.

III. Data on the results of evaluations shall be provided to the school district involved, along with the department's recommendations to improve the performance of programs.

IV. The board shall also submit an annual summary report of the results of its evaluations to the general court. This summary shall be included in the annual state vocational-technical education plan required by RSA 186:40-a.

186:40-c Technical Assistance. The state board of education and the department of education shall recognize the need for additional technical assistance for school districts in the development and operation of secondary vocational-technical programs. The board shall place less emphasis on regulation and shall give higher priority to increasing and improving technical assistance efforts.

5 Effective Date. This act shall take effect upon its passage.

HB 82, establishing a nursery and nursery stock act. Ought to Pass with Amendment.

A bill requested by the Department of Agriculture to strengthen nurseries and nursery stock inspections. Vote 13-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Repeal. RSA 436, relative to nurseries and nursery stock, is hereby repealed.

HB 83, relative to "stop sale" orders for apples, potatoes and "native" farm produce. Ought to Pass with Amendment.

A bill requested by the Department of Agriculture. It authorizes the Commissioner of Agriculture or his agent to "stop sale" if produce does not meet the legal standards of quality or labeling. Vote 13-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to "stop sale" orders.

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Eggs. Amend RSA 342 by inserting after section 9 the following new section: 342:9-a Stop Sale, Use or Removal Orders. When the commissioner or his authorized agent has reasonable cause to believe eggs are being distributed in violation of any of the provisions of this chapter, or of any rules adopted under this

chapter, he may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such eggs. The eggs shall not be sold, used or removed until the provisions of this chapter have been complied with and the eggs have been released by the commissioner or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 143-FN, relative to sunset review of the division of animal industry. Ought to Pass.

House Bill 143 renews the division of Animal Industry under the Department of Agriculture. Vote 13-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 149-FN, relative to sunset review of the extension work in counties. Ought to Pass with Amendment.

House Bill 149 renews the Cooperative Extension in Counties for another 6 years. Vote 15-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 County Extension Work. Amend RSA 187-A:6 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:6 County Extension Work. There shall be appropriated annually by the state a sum of money consistent with the purpose of conducting cooperative extension service work in the various counties of the state in cooperation with the federal department of agriculture and the counties and in furtherance of the so-called Smith-Lever Act as accepted by the state under the provisions of the laws of 1915, 194 and 195. The sums appropriated shall be expended through the university of New Hampshire cooperative extension service to support work in the counties.

4 Effective Date. This act shall take effect upon its passage.

HB 157-FN, relative to sunset review of agricultural resources. Ought to Pass with Amendment.

House Bill 157 renews the Division of Insect and Plant Disease Suppression and Control. Amendment changes name to Plant Industry. Vote 15-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Name Change. The PAU for "agricultural resources" which is renewed by

section 1 of this act, is and shall hereafter be called "plant industry."

4 Effective Date. This act shall take effect upon its passage.

HB 169, relative to pesticides controls. Ought to Pass.

This bill requested by the Pesticides Control Board. It authorizes cease and desist orders if pesticides are being used in unsafe or inadequate manner. Also, sets up an appeals process. Vote 13-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 146-FN, relative to sunset review of the New Hampshire distributing agency. Ought to Pass with Amendment.

This amendment would transfer the agency back to the Department of Administrative Services where it was prior to 1979 when it was the Department of Administration and Control. Functionally, it belongs in Administrative Services. Vote 18-0. Rep. Harold W. Watson for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Surplus Distribution Section Crested. Amend RSA 21-1:12, I by inserting after subparagraph (d) the following new subparagraph:

(e) There shall be within the bureau of purchase and property a surplus distribution section, which shall continue to operate for such period of time as surpluses or donated commodities of any kind are made available for distribution to the state by any department, division, or agency of the United States government or by any other source. The surplus distribution section shall be under the supervision of a classified supervisor of surplus distribution, who shall be responsible for the following functions, in accordance with applicable laws:

(1) Requesting, transporting, receiving, warehousing, allocating, enforcing compliance and delivering, where deemed expedient, any surpluses or commodities made available to the state by the federal government or by any other source.

(2) Assuring that all contracts, agreements, leases or other documents entered into by the commissioner in order to operate the program of distribution of federal commodities and surpluses comply with the regulations and directives of the federal government.

(3) In his discretion, receiving, allocating and distributing food supplies and other school food services supplies in cooperation with the New Hampshire School Food Service Association Co-operative, Inc., and such activities shall in no way constitute a restriction of trade.

(4) In his discretion, participating and cooperating in

informational projects relating to distributions made by the agency.

2 Repeal. RSA 8-A, relative to the New Hampshire distributing agency, is hereby repealed.

3 Effective Date. This act shall take effect upon its passage.

HB 8, prohibiting bail pending appeal for persons convicted of certain offenses. Ought to Pass with Amendment.

This bill, as amended, provides that there shall not be a presumption for bail of defendants pending appeal, rather the court must consider, but not be limited, to certain criteria in determining whether bail is proper under the circumstance. Vote 16-1. Rep. Beverly Hollingworth for Judiciary.

Amendment

Amend RSA 597:1-a as inserted by section one of the bill by striking out same and inserting in place thereof the following:

597:1-a Bail Pending Appeal.

I. After conviction for an offense punishable by death or by term of life imprisonment without possibility of parole, a defendant shall not be allowed bail.

II. Except as provided in paragraph I, any person appealing a conviction may be released pending an appeal on personal recognizance or be bailable by sufficient sureties as the court may require. The court shall consider, but not be limited to, the following criteria in determining whether bail is proper under the circumstances:

(a) Whether the person is likely to pose a danger to any other person or the community, intimidate witnesses, or otherwise interfere with the administration of justice.

(b) Whether there is a substantial risk that the person will not appear to answer the judgment following the conclusion of the appellate proceeding.

(c) Whether the appeal is frivolous or taken merely for delay.

(d) The nature of the crime charged.

(e) The length of the sentence imposed.

III. In any case where release is denied pending appeal, the presiding justice shall provide for the record the reasons for such denial.

HB 31, relative to the transportation of dogs in open trucks. Inexpedient to Legislate.

The Committee believes that man's best friend would be better served by an increased public awareness of the possible dangers of dogs riding in open pickup trucks rather than by enacting this bill. Vote 13-0. Rep. Marc Chretien for Judiciary.

HB 64, limiting the liability of persons aiding crime victims. Ought to Pass with Amendment.

House Bill 64, as amended, expands the current Good Samaritan Law to include persons giving aid to victims of crime and police officers giving aid and/or transport in emergency situations. Vote 13-0. Rep. Daniel A. Eaton for Judiciary.

Amendment

Amend RSA 508:12 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

508:12 Aid at Scene of Emergency or to Victim of Crime.

I. If any person in good faith renders emergency care at the place of the happening of an emergency or to a victim of a crime or delinquent act or while in transit in an ambulance or rescue vehicle, to a person who is in urgent need of care as a result of the emergency or crime or a delinquent act, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no direct compensation for the care from or on behalf of the person cared for. Any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.

II. Nothing in this section shall be used to construe that the perpetrator of a crime or a delinquent act or his accomplice shall be rendered innocent of liability.

III. A law enforcement officer acting in the line of duty who in good faith and without negligence renders emergency care or transport pursuant to paragraph I is exempt from civil liability under the provisions of paragraph I.

HB 107-FN, relative to sunset review of the environmental protection division. Ought to Pass.

This bill is one of five program appropriation units within the Office of Attorney General which are subject to sunset provisions. The Committee has incorporated its recommendation with respect to sunset into HB 118 and therefore recommends that this bill pass. Vote 16-0. Rep. Charles F. Bass for Judiciary.

HB 118-FN, relative to sunset review of division of legal counsel. Ought to Pass with Amendment.

This bill addresses the major concerns of the Sunset Committee with respect to providing a career ladder for attorneys within the office of Attorney General. This legislation also prohibits the giving of legal opinions by agency attorneys unless specifically authorized by statute. Vote 18-0. Rep. Charles F. Bass for Judiciary.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Divisions of Public Protection and Legal Counsel. Amend RSA 7 by inserting after section 8 the following new sections:
7:8-a Division of Public Protection.

I. There is hereby established within the office of the attorney general a division of public protection. The division shall be supervised by a division director who shall be an associate attorney general appointed under RSA 7:16.

II. The division shall include the following units:

- (a) a bureau of criminal justice;
- (b) a bureau of consumer protection;
- (c) a bureau of environmental protection.

7:8-b Division of Legal Counsel.

I. There is hereby established, within the office of the attorney general, a division of legal counsel. The division shall be supervised by an associate attorney general appointed under RSA 7:16.

II. The division of legal counsel shall consist of the following units:

- (a) a bureau of civil law;
- (b) a bureau of eminent domain.

III. The division shall also be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 7:32-a.

4 State Agency Attorneys. Amend RSA 7 by inserting after section 13 the following new section:

7:13-a Agency Attorneys.

I. Each agency and department of the state shall, by September 1 of each year, file a report with the attorney general listing all agency employees who are licensed to practice law in New Hampshire.

II. This report shall include a description of the duties and responsibilities of all such employees.

III. Agency attorneys, unless specifically authorized by statute or by the attorney general, shall not give legal opinions to state officials.

IV. The provisions of this section shall not apply to the judicial branch, legislature, or office of the governor.

5 Assistants. Amend RSA 7:16 (supp) as amended by striking out said section and inserting in place thereof the following:

7:16 Assistants.

I. The attorney general, subject to the approval of the governor and council, may appoint assistant attorneys general within the limits of the appropriation made therefor, each of whom shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney general may be removed only as provided by RSA 4:1.

II. The attorney general may designate no more than 10 assistant attorneys general to serve as senior assistant attorneys general. Senior

assistant attorneys general shall serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general.

III. The attorney general shall designate 2 assistant attorneys general to serve as associate attorneys general. Associate attorneys general shall serve as directors of the divisions of public protection and legal counsel and shall serve in that capacity at the pleasure of the attorney general.

IV. The attorney general may, in accordance with state personnel rules and the appropriation made therefor, appoint a law office administrator for the office of attorney general. The law office administrator shall be a classified employee and shall be classified at at least a labor grade 32.

6 Salary. Amend RSA 7:18 by striking out said section and inserting in place thereof the following:

7:18 Salary. The annual salary of each assistant attorney general, senior assistant attorney general and associate attorney general shall be that prescribed by RSA 94:1.

7 Environmental Protection Bureau. Amend RSA 7:18-a, 7:18-b, and 7:18-c (supp) as inserted by 1972, 60:38 by striking out said subdivision and inserting in place thereof the following:

ENVIRONMENTAL PROTECTION BUREAU

7:18-a Bureau Established. There is hereby established in the office of the attorney general an environmental protection bureau. Said bureau shall be supervised by a senior assistant attorney general, who shall be appointed by the attorney general in accordance with the provisions of RSA 7:16, who shall carry out the duties imposed by this subdivision under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 7:16 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions hereof within the limits of the appropriations made therefor.

7:18-b Duties. The environmental protection bureau shall:

I. Enforce statutes pertaining to environmental protection, control, and preservation.

II. Counsel state agencies and commissions given the responsibility over environmental concerns, including, but not limited to, the water supply and pollution control commission, the water resources board, the air pollution commission, and the pesticides control board.

III. Exercise the common law powers of the attorney general in protecting the environment.

IV. Bring public nuisance and other actions in superior court in the name of the state upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the state.

7:18-c Cooperation of Other Departments. The environmental protection bureau is hereby authorized to call upon any other state department, agency, commission, authority or institution for whatever help or assistance said division deems necessary to investigate and prosecute cases involving environmental damage and such other departments, agencies, commissions, authorities, and institutions are hereby required to forthwith cooperate with and assist said division without charge.

8 Unemployment Compensation. Amend RSA 7:18-d and 7:18-e (supp) as inserted by 1981, 576:9 by striking out said subdivision and inserting in place thereof the following:

UNEMPLOYMENT COMPENSATION

7:18-d Unemployment Compensation.

I. The attorney general shall appoint no more than 2 assistant attorneys general pursuant to the provisions of RSA 7:16 and a stenographer. These personnel shall be paid by the department of employment security but shall be under the administrative direction and control of the attorney general.

II. Any assistant attorney general appointed pursuant to RSA 7:18-d, I shall be a member of the civil bureau of the division of legal counsel and shall be responsible for representing the department of employment security for all civil and criminal matters in any court arising under RSA 282-A or the rules adopted as mandated in RSA 282-A.

7:18-e Duty; Cooperation. The commissioner of the department of employment security and all employees of that department shall give the office of the attorney general such aid and assistance as it deems necessary to investigate, prosecute and defend matters arising under RSA 282-A or the rules adopted as mandated in RSA 282-A which are in any court.

9 Consumer Protection and Antitrust Bureau. Amend RSA 358-A:4, I as inserted by 1970, 19:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. There is hereby established in the office of attorney general a consumer protection and antitrust bureau. Said bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 7:16, who shall carry out the provisions of this chapter under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall also appoint an investigator and such other staff as may be necessary to carry out the provisions hereof within the limits of the appropriations therefor.

10 Compensation of Certain State Officers. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended as follows:

I. By striking out in Group O the words "Deputy attorney general" and inserting in place thereof the following (Senior assistant attorney general);

II. By inserting in Group P the following (Associate attorney general); and
III. By inserting in Group Q the following (Deputy attorney general).

11 Effective Date. This act shall take effect upon its passage.

HB 122-FN, relative to sunset review of division of criminal justice. Ought to Pass. This bill is one of five program appropriation units within the Office of Attorney General which are subject to sunset provisions. The Committee has incorporated its recommendation with respect to sunset into HB 118 and therefore recommends that this bill pass. Vote 16-0. Rep. Charles F. Bass for Judiciary.

HB 153-FN, relative to sunset review of division of consumer protection and land disclosure. Ought to Pass.

This bill is one of five program appropriation units within the Office of Attorney General which are subject to sunset provisions. The Committee has incorporated its recommendation with respect to sunset into HB 118 and therefore recommends that this bill pass. Vote 16-0. Rep. Charles F. Bass for Judiciary.

HB 154-FN, relative to sunset review of eminent domain and public works and highways. Ought to Pass.

This bill is one of five program appropriation units within the Office of Attorney General which are subject to sunset provisions. The Committee has incorporated its recommendation with respect to sunset into HB 118 and therefore recommends that this bill pass. Vote 16-0. Rep. Charles F. Bass for Judiciary.

HB 195, relative to public employee labor negotiations. Ought to Pass.

House Bill 195 is providing that 120 days before the deadline for submission of the Governor's proposed operating budget any party desiring to bargain shall serve written notification of its intention. Currently, the law states August 15th of the year. This is an efficiency measure and is recommended by both the State Negotiator and the State Employees Association. It is also a suggestion of the Sunset staff relative to this office and law RSA 273-A:3. Vote 16-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 57, relative to the election of the members of the county convention. Inexpedient to Legislate.

While the idea seems to have merit, the confusion on the ballot, and the fact of the loss of continuity now enjoyed by the representative as county delegates would not be in the best interest of county government. Vote 13-2. Rep. Lawrence Cronin for Municipal and County Government.

HB 97-FN, relative to redemption after a tax sale. Inexpedient to Legislate. Testimony indicated added administrative costs together with loss of revenue to municipalities. Vote 15-1. Rep. George M. West for Municipal and County Government.

HB 194, relative to railroad rights-of-way. Inexpedient to Legislate. Sponsor wished this bill be reported as Inexpedient to Legislate as subject is covered by existing RSA. Vote 20-0. Rep. James J. White for Public Works.

HB 50, prohibiting advertisement of liquor and alcoholic beverage prices. Ought to Pass with Amendment.

House Bill 40, as amended, restricts the advertising of champagne brunches and other such specials to the licensee's premises only, and bans the use of the words "Happy Hour" in that advertising. This does not ban having such "Happy Hours." Vote 17-0. Rep. James D. Phelps for Regulated Revenues.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Happy Hour, Advertising Prohibited. Amend RSA 175:10-a (supp) as inserted by 1977, 554:1 as amended by striking out said section and inserting in place thereof the following:

175:10-a Limited Advertising
Authorized. Notwithstanding the provisions of RSA 175:10 or any other rules, or laws to the contrary, any holder of a license under RSA 181:4 and RSA 178 may advertise or promote the holding of a "champagne brunch" or similar special or package offering by signs posted within or on the outside of the licensee's premises or both; provided, however, that no such advertising or promotion shall be done by the use of a billboard. The duration of said "champagne brunch" or similar special or package offering shall be regulated by the commission. The posting of prices authorized by this section shall not contain any reference to a "happy hour" except that a "happy hour schedule" may be posted within the licensed premises, but not in view of any public way.

HB 179, allowing the sale of liquor in railway dining cars stopped at terminals. Ought to Pass.

House Bill 179 will permit a railroad company, which may now serve alcoholic beverages while en route, to continue to serve while in the station. Vote 17-0. Rep. James D. Phelps for Regulated Revenues.

HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, and excess to be lapsed into the highway fund. Ought to Pass with Amendment.

This bill requires all moneys received from original license fees, number

plates for citizen band operators, and vanity number plates shall be disbursed to the schools for courses of instruction and training in safe motor vehicle driving courses. Schools shall be reimbursed at the actual cost or the State average rate for such courses, whichever is less. After all obligations have been met the remaining funds, if any, shall be transferred to the highway fund. Vote 14-0. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 263:52 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

263:52 Driver Training Fund.

I. The proceeds from original license fees as provided in RSA 263:42, I and VI, the number plates for citizens' band operators in accordance with RSA 261:79, and the special fee for vanity number plates collected in accordance with RSA 261:89 or the renewal of the use of such plates, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year have been reserved, the balance shall be paid to the state treasurer by June 30 of each year and shall be kept in a separate fund which shall be paid out on or before October 15 of each year to participating schools upon order of the commissioner of safety.

II. Each participating school shall be required to submit to the state department of education a detailed list of expenditures for the driver education program and the number of pupils completing the program for the previous 12 month period July 1 through June 30. Such information shall be submitted on or before August 15 of each year under the signature of the superintendent of schools. The commissioner of safety jointly with the commissioner of education shall determine a state average per pupil rate based on the total statewide expenditures for the driver education program as submitted by participating schools divided by the total number of pupils completing the program. The amount paid to each participating school on the schedule herein established shall be based on the number of pupils completing the program multiplied by the state average per pupil rate or the actual cost, whichever is less. If the balance available to the driver education program is insufficient to fund the program at the state average reimbursement rate or actual cost, whichever is less, then the payment to participating schools shall be reduced on a prorated basis.

III. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt rules, pursuant to RSA 541-A, and publish such rules, governing the courses of instruction and training and

determining eligibility of secondary schools to receive moneys from the fund established by this section.

IV. After all obligations have been met under the provisions of paragraph I on an annual basis, the remaining funds, if any, shall be transferred to the highway fund in accordance with part 2, article 6-a of the Constitution of New Hampshire.

Referred to Appropriations.

HB 100, relative to speed limits in the state. Inexpedient to Legislate.

Testimony and research did not indicate there was a real necessity for changing the statutes. The number of problems resulting from existing law seem to be insignificant. Vote 11-1. Rep. Irvin H. Gordon for Transportation.

HB 131-FN, relative to sunset review of urban mass transportation authority. Inexpedient to Legislate.

This PAU is used to fund a transportation planner at the Office of State Planning. Apparently, the planner's main duty is to attend policy committee meetings at the Regional Planning Commissions. By terminating this PAU the limited federal dollars available can be funnelled directly to the Planning Commissions where they will do the most good. Vote 11-0. Rep. Stephen Sloan for Transportation.

COMMITTEE REPORTS (Regular Calendar)

CACR 3, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session. Ought to Pass.

The Committee feels that legislators being paid on a per diem basis would enable more people to meet their expenses and thus be able to serve the State. Vote 8-2. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Reps. Joseph Eaton and Burton spoke in favor of the Committee report.

(Speaker presiding)
YEAS 280 NAYS 91
YEAS 280

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Kohl, Matson, Miller, Morse, Parker, Perry, Ramsay, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Brideau, Harold Burns, Chardon, Horton, Lamontagne, Marsh, Mayhew and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Bass, Boisvert, Lionel Boucher, Bourque, Burkush, John Burns, Carragher, Chagnon, Chretien, Crotty, Ducharme, Duperron, Durant, Dwyer, Joseph Eaton, Nancy Ford, Fried, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Humphrey, Hyman, Chris Jacobson, Jasper, Michael Jones, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Nelson, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Pressly, Raiche, Reidy, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Turgeon, Van Loan, Wagner, Frank Whittemore, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Connolly, Fraser, Glibreth, George Gordon, Gross, Hager, Alf Jacobson, Jelley, C. William Johnson, Kiddler, Nichols, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Felch, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, McKinney, Nagel, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tufts, Vartanian, Vaughn, Walker and Wells.

STRAFFORD: Appleby, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Keans, Kincaid, Laurion, Musler, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, Disnard, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Schotanus, Spaulding and Sara Townsend.

NAYS 91

BELKNAP: Dexter, Jensen and Matthew Locke.

CARROLL: Russell Chase and Saunders.

CHESHIRE: Grodin, Ridge and William Riley.

COOS: Brungot, Chappell, Coulombe, Frederic Foss, Guay and Theriault.

GRAFTON: Bennett, Christy, McAvoy and Scanlan.

HILLSBOROUGH: August, Beaupre, Blais, Robert Blanchette, Bourdon, Boutwell, Bridgewater, Leslie Burns, Champagne, Charron, Clancy, Cote, Cox, Cronin, Donovan, Duprey, Dykstra, Clyde Eaton, Fields, Gagnon, Scott Green, Holden, George Jones, Labombarde, Lozeau, Martin, Murphy, Nute, Perham, Prestipino, Frances Riley, Sallada, Tomposi, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Worthen and Zis.

MERRIMACK: Barberia, Laurent Boucher, Daniell, Hayes, Arthur Locke, Roberts and Shepard.

ROCKINGHAM: Butler, Ellyson, Emanuelson, Harry Flanders, Haynes, Robert Johnson, Kane, Malcolm, McCain, Newell, Schwaner, Seward, Simon, Splaine, Warburton, Welch and Woodward.

STRAFFORD: Bates, Berkey, Albert Dionne, Lussier, Meader and Swope.

SULLIVAN: Domini and Rodeschin, and the resolution was adopted by the constitutional requirement of three-fifths.

Rep. Irvin Gordon notified the Clerk that he wished to be recorded against the Committee report on CACR 3.

CACR 4, relating to jury trials.

Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. Inexpedient to Legislate.

This resolution has some merit, but it follows a Committee recommendation of \$2,500 minimum for jury trials and from experience it appears unlikely that two resolutions amending the same procedure could be presented on the same ballot. After the \$2,500 minimum accepted or rejected, a resolution such as CACR 4 might warrant further consideration. Vote 10-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

Rep. Murphy moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Sylvia spoke in favor of the motion. Rep. Palumbo spoke against the motion.

(Speaker presiding)

YEAS 108 NAYS 264

YEAS 108

BELKNAP: Richard Campbell, Pearson and Zeckhausen.

CARROLL: Gene Chandler and Olimpio.

CHESHIRE: Blacketor, Frink, Matson, Parker, Perry, Secord and Young.

COOS: Lamontagne and Theriault.

GRAFTON: Bennett, Blair, Chambers, Densmore, Easton and Ward.

HILLSBOROUGH: Bass, Blais, Robert Blanchette, Bourque, Boutwell, Burkush, John Burns, Chagnon, Champagne, Chretien, Clancy, Cox, Ducharme, Durant, Scott Green, Humphrey, Hyman, Chris Jacobson, Michael Jones, Kelley, Lamy, Levesque, Martin, McGlynn, Messier, Morrissette, Murphy, Nelson, Nute, O'Rourke, Fellow, Pressly, Reidy, Philip Rodgers, B. P. Smith, Sylvia, Varkas, Wagner, Geraldine Watson and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Cate, James Chandler, Daniell, Hager, Alf Jacobson, Jelly, C. William Johnson, Kidder, Arthur Locke, Pantzer, Walter Robinson and Wallner.

ROCKINGHAM: Emanuelson, Felch, Hollingworth, Robert Johnson, Kane, George Katsakiores, Longworth, Joseph MacDonald, McCain, Pantelakos, Raynowska, Norman Rogers, Sanderson, Schwaner, Simon, Sytek, Vaughn and Woodward.

STRAFFORD: Appleby, Chamberlin, Diamant, Anita Flynn, Edward Flynn, Frew, Kincaid, Pelley, Francis Robinson, Swope and Ralph Torr.

SULLIVAN: Brodeur, Domini and Paul Johnson.

NAYS 264

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Randall and James J. White.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Kohl, Miller, Morse, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew and York.

GRAFTON: Arnesen, Bean, Christy, Copenhaver, Driscoll, Duggan, Hutchings, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, August, Barry, Beaupre, Boisvert, Lionel Boucher, Bourdon, Bridgewater, Leslie Burns, Carragher, Charron, Cote, Cronin, Crotty, Donovan, Duperron, Duprey, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Jasper, George Jones, Keefe, Knight, Labombarde, Lown, Lozeau, Howard Mason, McCue, Elizabeth Moore, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Prestipino,

Raiche, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Mary Sullivan, Tamposi, Turgeon, Van Loan, Vanderlosk, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, Bowes, Cailler, Connolly, Fraser, Gilbreth, George Gordon, Gross, Hayes, Nichols, Pannell, Phelps, Rehlander, Roberts, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Courdeau, Elizabeth Greene, Haynes, Hoar, Joslyn, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McKinney, Nagel, Newell, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Tufts, Vartanian, Walker, Warburton, Welch and Wells.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Callahan, Dingle, Albert Dionne, Donnelly, Patricia Foss, Frechette, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Spear, Henry Sullivan, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Disnard, Ingram, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question being on the Committee report, Inexpedient to Legislate.
Adopted.

CACR 6, relating to constitutional convention. Providing that when a constitutional convention is called, the delegates shall convene in September. Inexpedient to Legislate.

The Committee feels the time frame of at least one year between the end of a Constitutional Convention and the election when the questions would appear on the ballot is too long. Vote 10-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Report adopted.

CACR 7, relating to registers of probate. Providing that registers of probate shall be appointed rather than elected. Inexpedient to Legislate.

Part 2, Article 7 requires election of five relatively minor county officers. Resolution No. 7 would make the office of register of probate appointive instead of elective. Proponents presented arguments which were substantial, but not conclusive. There was no evidence that present or former registers were unqualified. To limit number of questions on the ballot, the

Committee considers probability of voter acceptance, especially between appointments or elections. There was also a question whether the resolution could refer to all five minor positions, but no record of extensive public demand for such a change. Vote 9-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

Rep. Scott Green moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and withdrew his motion. Report adopted.

HB 47, relative to living wills. Ought to Pass with Amendment.

This bill is an improved version of a bill which was approved by the House in 1983 by a margin of 301 to 54 initially, and again by a margin of 171 to 71 following a veto. It permits those who choose to do so to direct what treatment they want to receive when they reach a life-terminating condition in the written judgment of two physicians. It incorporates suggestions made by representatives of the Catholic Diocese of New Hampshire, and is the result of lengthy study by a Committee of legislators and concerned citizens. Vote 18-2. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

CHAPTER 137-H TERMINAL CARE DOCUMENT

137-H:1 Purpose and Policy. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his own medical care. In order that the rights of persons may be respected even after they are no longer able to participate actively in decisions about themselves, and to encourage communication between patients and their physicians, the legislature hereby declares that the laws of this state shall recognize the right of a competent person to make a written declaration instructing his physician to provide, withhold, or withdraw life-sustaining procedures in the event of a terminal condition.

137-H:2 Definitions. In this chapter:

I. "Attending physician" means the physician selected by or assigned to the patient who has primary responsibility for the treatment and care of the patient.

II. "Life-sustaining procedures" means any medical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, in the written judgment of the attending physician and a consulting physician, when applied to the qualified patient, would serve only to artificially postpone the moment of death, and where, in the written judgment of the

attending physician and the consulting physician, the patient is in a terminal condition. "Life-sustaining procedures" shall not include the administration or omission of medication or sustenance or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

III. "Terminal care document" means a document which, when duly executed, contains the express direction that no life-sustaining procedures be taken when the person executing said document is in a terminal condition, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

IV. "Physician" means a medical doctor licensed to practice in the state of New Hampshire pursuant to RSA 329.

V. "Qualified patient" means a patient who has executed a declaration in accordance with this chapter and who has been diagnosed and certified in writing to be in a terminal condition by 2 physicians who have personally examined the patient, one of whom shall be the attending physician.

VI. "Terminal condition" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining measures would, within the reasonable medical judgment of the attending physician and a consulting physician, only postpone the moment of death.

137-H:3 Terminal Care Document. A person of sound mind who is 18 years of age or older may execute at any time a document commonly known as a terminal care document, directing that no life-sustaining procedures be used to prolong his life when he is in a terminal condition. The document shall only be effective if the person is incapable of participating in decisions about his care, and it may be, but need not be, in form and substance substantially as follows:

DECLARATION

Declaration made this _____ day of _____ (month, year).
I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by 2 physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physicians as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed _____
State of _____ County _____

We, the declarant and witnesses, being duly sworn each declare to the notary public or justice of the peace or other official signing below as follows:

- 1. The declarant signed the instrument as a free and voluntary act for the purposes expressed, or expressly directed another to sign for him.
- 2. Each witness signed at the request of the declarant, in his presence, and in the presence of the other witness.
- 3. To the best of my knowledge, at the time of the signing the declarant was at least 18 years of age, and was of sane mind and under no constraint or undue influence.

Declarant

Witness

Witness

The affidavit shall be made before a notary public or justice of the peace or other official authorized to administer oaths in the place of execution, who shall not also serve as a witness, and who shall complete and sign a certificate in content and form substantially as follows:

Sworn to and signed before me
by _____, declarant
and _____, witnesses
on _____.

Signature _____
Official Capacity _____

137-H:4 Execution and Witness. The document set forth in RSA 137-H:3 shall be executed by the person making the same in the presence of 2 or more subscribing witnesses, none of whom shall be the person's spouse, heir at law, attending physician or person acting under the direction or control of the attending physician or any other person who has at the time of the witnessing thereof any claims against the estate of the person, and shall be acknowledged pursuant to the provisions of RSA 456 or RSA 456-A.

137-H:5 Notification; Medical Record. An attending physician who is requested to do so by the person executing the terminal care document shall make the document or a copy of the document a part of that person's permanent medical record.

137-H:6 Physician Responsibilities.
I. An attending physician and any other physician under his direction or control, having in his possession his

patient's terminal care document, or having knowledge that such a duly executed document is part of the patient's record in the institution in which he is receiving care, or who has been notified of the existence of a declaration executed under this chapter, shall follow as closely as possible the dictates of said document. In addition, the attending physician or any other physician under his control or direction who becomes aware, pursuant to this section, of such a document shall, without delay, take the necessary steps to provide for written verification of the patient's terminal condition, so that the patient may be deemed to be a qualified patient under this chapter, however if a physician, because of his personal beliefs or conscience, is unable to comply with the terms of the declaration, he or she shall forthwith so inform his patient or the patient's family. The qualified patient may, or the family of the qualified patient shall, then request that the case be referred to another physician.

II. An attending physician who, because of personal beliefs or conscience, is unable to comply with the declaration pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of the qualified patient and the appropriate medical records that qualify said patient to another physician who has been chosen by the qualified patient or by the family of the qualified patient.

137-H:7 Revocation.

I. A person who has validly executed a terminal care document consistent with the provisions of RSA 137-H:3 and RSA 137-H:4 may revoke the document in the following manner:

(a) By burning, tearing or obliterating the same or causing the same to be done by some other person at his direction and in his presence;

(b) By oral revocation in the presence of the attending physician and 2 or more witnesses, none of whom shall be the person's spouse or heir at law; or

(c) By written revocation, to be signed and dated in the presence of 2 or more witnesses, none of whom shall be the person's spouse or heir at law, expressing the intent to revoke.

II. Revocation shall become effective upon communication to the attending physician who shall record in the patient's medical record the time and date when he received notification.

137-H:8 Duty to Deliver. Any person having in his possession a duly executed terminal care document or a revocation thereof, if it becomes known to him that the person executing the same is in such circumstances that the terms of the terminal care document might become applicable, shall forthwith deliver the same to the physician attending the person executing said document or to the medical facility in which said person is a patient.

137-H:9 Immunity. An attending physician, other physician, nurse, health care professional or any other person acting for him or under his control, or hospital or other medical facility within which the person may be, shall be immune from any

civil or criminal liability for any act or intentional failure to act if said act or intentional failure to act is done in good faith and in keeping with reasonable medical standards pursuant to the terminal care document and in accordance with this chapter.

137-H:10 Suicide.

I. The withholding or withdrawal of life-sustaining procedures from a patient who has executed a document consistent with the purposes of RSA 137-H:3 shall at no time be construed as a suicide for any legal purpose.

II. Nothing in this chapter shall be construed to condone, authorize or approve suicide or permit any affirmative or deliberate act or omission to end one's own life other than to permit the natural process of dying as provided in this chapter.

137-H:11 Freedom from Influence.

I. No physician, health facility, or other health provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan shall require any person to execute a terminal care document as a condition for being insured for or receiving health care services; nor shall health care services be refused because a person is known to have executed a terminal care document.

II. The execution of a terminal care document pursuant to RSA 137-H:3 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

137-H:12 No Presumption. This chapter shall not be construed to create a presumption that in the absence of a terminal care document, a person wants life-sustaining procedures to be taken. When a person has not executed a terminal care document, and is in a condition which does not permit communication on the course of treatment to be followed, the attending physician may proceed to provide, withhold, or withdraw life-sustaining procedures upon appropriate consultation as is consistent with good medical practice.

137-H:13 Assisted Suicide, Mercy Killing, Euthanasia. Nothing in this chapter shall be construed to condone, authorize, or approve assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying of those in a terminal condition as provided in this chapter.

137-H:14 Exceptions.

I. Nothing in this chapter shall be construed to condone, authorize, or approve the withholding of life-sustaining procedures from or to permit any affirmative or deliberate act or omission to end the life of a pregnant woman by an attending physician when such physician has knowledge of the woman's pregnant condition.

II. Nothing in this chapter shall be construed to condone, authorize, or approve of withholding or withdrawing life-sustaining procedures from mentally incompetent or developmentally disabled persons.

137-H:15 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of a terminal care document or revocation with the intent to insure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in Title LXII.

137-H:16 Existing Rights. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining procedures in any lawful manner.

2 Existing Directives. Terminal care documents which have been executed prior to the effective date of this act shall be deemed valid only if such documents substantially comply with the provisions of RSA 137-H as inserted by section 1 of this act.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Francis Robinson spoke in favor of the Committee report.

Reps. Roberts and Barberia spoke against the Committee report and yielded to questions.

Rep. Daniell spoke in favor of the Committee report and yielded to questions.

Rep. Healy moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Raiche, Hollingworth and Sytek spoke against the motion.

Rep. Guay spoke in favor of the motion.

On a voice vote the motion lost.

Question now being on the Committee report, Ought to Pass with Amendment, a roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 317 NAYS 54

YEAS 317

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Kohl, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan and Thompson.

COOS: Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Marsh, Mayhew and Theriault.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Bass, Blais, Robert Blanchette, Lionel Boucher, Bourque, Boutwell, Burkush, Carragher, Champagne, Charron, Clancy, Cote, Cox, Cronin, Crotty, Donovan, Ducharme, Duperron, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Lown, Lozeau, Martin, Howard Mason, McCue, Messier, Elizabeth Moore, Murphy, Nute, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reidy, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Sylvia, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Frank Whittemore, M. Arnold Wight, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailier, Cate, James Chandler, Connolly, Daniell, Fraser, Gilbreth, George Gordon, Gross, Hager, Hayes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Nichols, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Wallner and West.

ROCKINGHAM: Ames, Bangs, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Ellyson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, McCain, McKinney, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmichtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splain, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Call, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin,

Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 54

BELKNAP: Bolduc, Dexter, Golden, Matthew Locke and Randall.

CARROLL: None.

CHESHIRE: Crane and Young.

COOS: Brideau, Brungot, Coulombe, Guay, Lamontagne and York.

GRAFTON: Howard Townsend.

HILLSBOROUGH: August, Beaupre, Boisvert, Bourdon, Bridgewater, John Burns, Leslie Burns, Chagnon, Chretien, Fields, Gagnon, Healy, Labombarde, Lamy, Levesque, McGlynn, Morrisette, Nelson, Pariseau, Frances Riley, Mary Sullivan, Tamposi, Turgeon, Emma Wheeler, Kenneth Wheeler and Winn.

MERRIMACK: Barberia, Arthur Locke, Roberts, Stio and James Whittemore.

ROCKINGHAM: Blaisdell, Lawrence Chase, Clay, Emanuelson, Kane, Schwaner and Welch.

STRAFFORD: Swope.

SULLIVAN: Brodeur, and HB 47 was ordered to third reading.

HB 75, relative to appeals by the state in criminal cases. Ought to Pass with Amendment.

Under this bill, New Hampshire would join the ranks of 33 other states and the federal system in giving the prosecution a limited right to appeal certain court orders. This bill also provides that the Attorney General shall determine which questions of law are of sufficient importance to be appealed to the Supreme Court. Vote 15-2. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out RSA 606:10, V(b) as inserted by section 1 of the bill and inserting in place thereof the following:

(b) Within 5 business days, if the attorney for the state filing the notice of appeal states in such notice that the attorney general has orally given his approval.

Amendment adopted.

Rep. Sytek yielded to questions. Ordered to third reading.

HR 17, relative to Central America. Ought to Pass with Amendment.

The Committee deleted the original wording of House Resolution 17 and substituted a version similar to the resolution to be introduced in the New Hampshire Senate. Vote 10-4. Rep. Ednappearl F. Parr for State-Federal Relations.

Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, throughout the annals of history, the United States of America, under presidents both republican and democrat, has pursued in the western hemisphere diplomatic and military policies predicated upon preserving maximum national security for our people from real or potential aggressors; now, therefore, be it

Resolved by the House of Representatives:

That the honorable house of representatives of the sovereign state of New Hampshire supports the United States policy of resisting Communist aggression in Central America.

Question being on the Committee amendment.

Reps. Daniell and Diamant spoke against the amendment.

Reps. Matthew Locke and Chambers spoke in favor of the amendment.

Reps. Quimby and Chardon spoke in favor of the amendment and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Amendment adopted.

Question now being on the Committee report, Ought to Pass with Amendment.

Rep. Daniell spoke against the Committee report.

Rep. LaMott moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 258 NAYS 111

YEAS 258

BELKNAP: Birch, Brough, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke and Randall.

CARROLL: Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Miller, Parker, Perry, Ridge, Scranton, Secord, Thompson and Young.

COOS: Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Christy, Driscoll, Duggan, Mann, McAvoy, Rounds, Scanlan, Stewart, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, August, Barry, Bass, Blais, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cox, Cronin, Donovan, Ducharme, Duprey, Clyde

Eaton, Fields, Scott Green, Grip, Healy, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lozeau, Martin, McCue, McGlynn, Messier, Murphy, Nute, Bonnie Packard, Norman Packard, Pariseau, Pellow, Perham, Prestipino, Reidy, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Steiner, Stonner, Sylvia, Tamposi, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Anderson, Barberia, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Daniell, Fraser, George Gordon, Gross, Hayes, Jelley, C. William Johnson, Kidder, Arthur Locke, Nichols, Pannell, Phelps, Roberts, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Lawrence Chase, Clay, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Roger King, Lovejoy, Mace, Magoon, Malcolm, McCain, Nagel, Newell, Palumbo, Parr, Pevear, Quimby, Raynowska, Norman Rogers, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Kincaid, Lussier, Meader, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Call, Disnard, Ingram, McKee, Spaulding and Sara Townsend.

NAYS 111

BELKNAP: Bolduc, Bowler, Pearson, James J. White and Zeckhausen.

CARROLL: Ashnault, Hounsell and Olimpio.

CHESHIRE: Crane, Kohl, Matson, Morse, Ramsay, William Riley, Russell, Schwartz and William Sullivan.

COOS: Brideau, Chappell and Mayhew.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Easton, Hutchings, Michael King, Wayne King, LaMott and Taffe.

HILLSBOROUGH: Beaupre, Boisvert, Charron, Cote, Crotty, Duperron, Durant, Dwyer, Dykstra, Joseph Eaton, Nancy Ford, Fried, Gagnon, Marian Harrington, Hendrick, Michael Jones, Lown, Howard Mason, Elizabeth Moore, Morrisette, Nelson, O'Rourke, Pappas, Paquette, Paradis, Parmenter, Pressly, Raiche, B. P. Smith, Leonard Smith, Mary Sullivan, Turgeon, Wagner, Winn and Zis.

MERRIMACK: Bardsley, James Chandler, Connolly, Gilbreth, Hager, Alf Jacobson, Pantzer, Rehlander, Walter Robinson and Wallner.

ROCKINGHAM: Patti Blanchette, Case, Conroy, Thomas Gage, Hoar, Hollingworth, Phyllis Katsakiores, Joseph MacDonald, McKinney, Newman, Pantelakos, Popov, Romoli, Rosencrantz, Simon and Sochalski.

STRAFFORD: Bryant, Burton, Callahan, Diamant, Keans, Laurion, Musler, O'Brien, Bruce Packard, Swope, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Domini, Paul Johnson, Lindblade, Normandin, Rodeschin and Schotanus, and HR 17 was ordered to third reading.

Note: Rep. Stachowske was inadvertently recorded as voting yea, she was granted leave for the day.

Rep. McGlynn notified the Clerk that she inadvertently voted yea and meant to vote nay.

HB 188-FN, authorizing the director of motor vehicles to issue special number plates for firefighters. Inexpedient to Legislate.

Identification of fire personnel during an emergency is amply provided for by RSA 266:73 (sirens) and RSA 266:74 (emergency lights). In addition, it is usual and customary for many fire departments to make available special tags identifying their membership. Vote 9-3. Rep. John Hoar, Jr., for Transportation.

Rep. Fields moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Pearson, Irvin Gordon and Daniel Eaton spoke against the motion.

Rep. Matson spoke in favor of the motion and yielded to questions.

Rep. Guay spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 51 NAYS 309

YEAS 51

BELKNAP: Golden.

CARROLL: None.

CHESHIRE: Matson, Ridge, Schwartz, Secord and Young.

COOS: Coulombe, Guay, Lamontagne and York.

GRAFTON: Chambers and Michael King.

HILLSBOROUGH: August, Beaupre, John Burns, Fields, Scott Green, Jasper, McGlynn, O'Rourke, Reidy, Philip Rodgers, Shriver and Mary Sullivan.

MERRIMACK: Anderson, Barberia, Cailler, Daniell, George Gordon, Arthur Locke and Roberts.

ROCKINGHAM: Ames, Case, Lawrence Chase, Day, Ellyson, McKinney, Newman, Romoli, Sherburne, Simon and Welch.

STRAFFORD: Diamant, Albert Dionne, Donnelly, Keans, Musler and Pelley.

SULLIVAN: Call, Ingram and Lindblade.

NAYS 309

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Kohl, Miller, Morse, Parker, Perry, Ramsay, William Riley, Russell, Scranton and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Marsh, Mayhew and Theriault.

GRAFTON: Arnesen, Bean, Blair, Christy, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, Donovan, Ducharme, Duperron, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, George Jones, Michael Jones, Keefe, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Martin, McCue, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Sallada, B. P. Smith, Leonard Smith, Steiner, Stonner, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Nichols, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, West and James Whittemore.

ROCKINGHAM: Bangs, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Clay, Connors, Conroy, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Magoon, Malcolm, McCain, Nagel, Newell, Palumbo, Parr, Pevear, Popov, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Scamman, Schwaner, Seward, Skinner, Sloan, Sochalski, Splain, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Burton, Callahan, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Kincaid, Laurion, Lussier, Meader, O'Brien, Bruce Packard, Parks, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Disnard, Domini, Paul Johnson, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the Committee report, Inexpedited to Legislature.
Resolution adopted.

HB 36, limiting liability of donors and distributors of food. Ought to Pass with Amendment.

The Committee believes that this is a sorely needed bill that will be of great benefit to the needy in the state. The bill will help foster increased donations of food by limiting the liability of food donors. The amendment expands the definition of donor to include food banks and modifies the definition of food to make it consistent with language used in Public Health regulations. Vote 14-0. Rep. Marc Chretien for Judiciary.

Rep. Sytek moved that HB 36 be recommitted to the Committee on Judiciary and spoke to her motion.

Adopted.

HB 36 was recommitted to the Committee on Judiciary.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 27 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 173-FN, establishing and making an appropriation for the New Hampshire

Bicentennial Commission on the United States Constitution.

HB 218-FN, reimbursing the town of Nottingham for fire fighting expenses in the Pawtuckaway state park and making an appropriation therefor.

HB 84, relative to clarification of certain terms concerning special education children.

HB 85, relative to the appeals process for special education.

HB 109-FN, relative to sunset review of the division of vocational technical education.

HB 82, establishing a nursery and nursery stock act.

HB 83, relative to "stop sale" orders.

HB 143-FN, relative to sunset review of the division of animal industry.

HB 149-FN, relative to sunset review of the extension work in counties.

HB 157-FN, relative to sunset review of agricultural resources.

HB 169, relative to pesticides controls.

HB 146-FN, relative to sunset review of the New Hampshire distributing agency.

HB 8, prohibiting bail pending appeal for persons convicted of certain offenses.

HB 64, limiting the liability of persons aiding crime victims.

HB 107-FN, relative to sunset review of the environmental protection division.

HB 118-FN, relative to sunset review of division of legal counsel.

HB 122-FN, relative to sunset review of division of criminal justice.

HB 153-FN, relative to sunset review of division of consumer protection and land disclosure.

HB 154-FN, relative to sunset review of eminent domain and public works and highways.

HB 195, relative to public employee labor negotiations.

HB 50, prohibiting advertisement of liquor and alcoholic beverage prices.

HB 179, allowing the sale of liquor in railway dining cars stopped at terminals.

CACR 3, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session.

HB 47, relative to living wills.

HB 75, relative to appeals by the state in criminal cases.

HR 17, relative to Central America.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 4:23 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

HOUSE JOURNAL 8

Wednesday, 27Feb85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We thank You for this day dear God. We rejoice in being a part of our State Government. As we go home tonight let us remember that others will have a story to tell as well as we. Others will have feelings and hurts to share as well as ours. Keep us open to our families and friends at home. With their love in mind let us work this day in building a State we all can enjoy living in. Amen.

Rep. Carragher led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Dupont, Wadsworth, Krasker, Kinhan, Chagnon, Joseph MacDonald, Simon and Bowes, the day, illness.

Reps. Mehegan, Dwyer, Arris, Zis, William Sullivan, Stachowske, Millard, Lewis, Cailler, Pellow, Tamposi, Hogan and Duprey, the day, important business.

INTRODUCTION OF GUESTS

Mrs. Edwina Stewart, Daughter Donna and grandchildren Amy and Jolene, Wife and guests of Rep. Stewart; Christine Ford and Heidi Moquin, guests of Rep. Nancy Ford; Donald, Jonathan, DeeDee, David and Lydia Holden, Husband and children of Rep. Harold Burns.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 489 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 489-FN, relative to the business profits tax. (Packard of Strafford Dist. 4 - To Ways and Means)

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted. Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 81, relative to the age of a person who could withdraw from school with parental consent. Ought to Pass.

Extends school-leaving age to 16 in all districts, including towns that do not have a high school. Vote 20-0. Rep. Walter K. Robinson for Education.

HB 110-FN, relative to sunset review of the division of vocational rehabilitation. Ought to Pass.

This bill renews the Division of Vocational Rehabilitation for 6 years. Testimony was overwhelmingly in favor of this legislation. Vote 22-0. Rep. Mary S. Nelson for Education.

HB 111-FN, relative to sunset review of vocational rehabilitation-social security programs. Ought to Pass.

This bill renews Vocational Rehabilitation - Social Security Programs for 6 years. Testimony was overwhelmingly in support of this legislation. Vote 21-0. Rep. Mary S. Nelson for Education.

HB 25, recodifying RSA title XL and relocating certain RSA chapters. Ought to Pass with Amendment.

This bill is a recodification of Agriculture laws. It does not make any substantial changes in present law. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend RSA 436:106, I(a) and (b) as inserted by section 1 of the bill by striking out said subparagraphs and inserting in place thereof the following:

(a) In the case of dogs which are not vaccinated in accordance with RSA 436:100 and which have been bitten by a known rabid animal, said bitten (exposed) dogs shall be immediately quarantined and confined for 10 days under the supervision of the local health authority. Upon completion of confinement, the dog shall be examined by a licensed veterinarian. The dog shall be destroyed and the head sent for examination to a diagnostic laboratory approved by the state veterinarian unless the owner is unwilling as provided in subparagraph (b) of this paragraph. The town shall be responsible for the expense.

(b) If the owner is unwilling to destroy the bitten (exposed) dog, strict isolation of the dog, in a kennel under veterinary supervision and in cooperation with the local health authorities, for a minimum of 6 months shall be enforced. The expense of impoundment is to be paid monthly in advance by the owner; in case of default in payment, the local health authority is empowered to destroy the dog after a 10-day grace period and the head is to be sent for examination to a diagnostic laboratory approved by the state veterinarian.

Amend RSA 436, 106, II(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) If the dog is not immediately revaccinated, the dog shall be confined in strict isolation in a kennel for 6 months under the supervision of the local health authority in cooperation with a licensed veterinarian. The owner of the animal is responsible for all expenses incurred and must pay each month in advance. If there is default in payment, the local health authority is empowered to destroy the dog after a 10-day grace period, and the head is to be sent for examination to a diagnostic laboratory approved by the state veterinarian.

HB 78, relative to resident commercial salt water licenses. Ought to Pass with Amendment.

This bill was proposed to solve a discrepancy between the nonresident commercial fishing license and the resident commercial fishing license that was passed last session. The amendment clears up the wording in the definition of a commercial fisherman. Vote 17-0. Rep. Albert J. Dionne for Fish and Game.

Amendment

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 207:1, IV-a (supp) as inserted by 1983, 254:2 by striking out said paragraph and inserting in place thereof the following:

IV-a. Commercial Fisherman: Any person who takes, possesses, lands, or transports, on the waters of this state, any marine species by any method for purposes of selling same other than by conventional angling.

2 License. Amend RSA 211:49-b, I and II (supp) as inserted by 1983, 254:1 by striking out said paragraphs and inserting in place thereof the following:

I. Any resident of this state who takes, possesses, lands, or transports on the waters of this state any marine species, excluding lobsters, by any method other than by conventional angling for the purpose of selling the same, regardless of where the catch was taken, shall first procure a valid license from the executive director to do so.

II. The fee for such annual license shall be \$25 plus agent's fee. The license shall be for the operator of the boat, vessel, or gear, and up to 3 helpers. An additional helper's license shall be possessed for each helper in excess of 3 at a fee of \$10 per license. A helper's license may be transferred to any helper employed by the operator.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 184-FN, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters. Ought to Pass.

The intent of this bill is to protect all sportsmen's money that has been invested by the Fish and Game Department

in the burned out headquarters on Bridge Street when it is sold. Vote 18-0. Rep. Robert D. Hussey for Fish and Game.

Referred to Appropriations.

HB 211, relative to trapping beaver and otter. Ought to Pass.
House Bill 211 will stop pre-baiting beaver ponds, which will eliminate unfair advantage to trappers that do not do this. The traps have been pre-baited before season starts. Season is only 1 month long in Coos County. Vote 17-0. Rep. John E. Call for Fish and Game.

HB 162, relative to powers of attorney. Inexpedient to Legislate.
House Bill 162 was improperly drafted. At the request of the sponsor, the Committee voted it Inexpedient to Legislate. Vote 13-0. Rep. Geraldine G. Watson for Judiciary.

HB 166, relative to the definition of antique gambling machine. Ought to Pass.
The Committee felt this bill should pass as it aids collectors of and investors in nostalgic items, while not in any way affecting the laws on gambling or possession of gambling equipment, because it only changes the definition by changing the date of manufacture from "before 1941" to "at least 25 years old." Vote 18-0. Rep. Frank J. Sylvia for Judiciary.

HB 190, permitting access to personnel files of former employees. Ought to Pass.
This bill does not mandate that an employer keep a personnel file, or any additional information. It does, however, mandate that if an employer so chooses to keep information in a person's file then that employee will have a right to review that information being kept for a minimum period of two years after the employee's last day of employment. Vote 14-1. Rep. Wilfred Burkush for Labor, Industrial and Rehabilitative Services.

HB 99, relative to the state guard. Ought to Pass.
This bill makes changes in the statutes pertinent to the "State Guard;" such changes being necessitated by directives promulgated by the National Guard Bureau in Washington, DC. Vote 15-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 265, relative to boat inspectors. Ought to Pass.
This bill permits agents of the Director of Safety Services, who perform as "boat inspectors on public waters," to be classified as "police officers," and therefore be eligible to attend and be trained at the New Hampshire Academy. Vote 15-0. Rep. Warren F. Ames for Public Protection and Veterans Affairs.

HB 273, relative to police employees of the university system of New Hampshire. Inexpedient to Legislate.

The sponsor of the bill testified that an existing problem area would be resolved at the local level, therefore there was no longer a requirement for the bill. Vote 17-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 203-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. Ought to Pass. This bill has the potential of saving the state a lot of money and time. It does not call for an expenditure of monies to study the feasibility. Vote 18-1. Rep. Norman B. Rogers for Public Works.

HB 221, relative to replacement or new highway signs. Ought to Pass. This bill would provide a wealth of information for our tourists. Vote 20-1. Rep. Norman B. Rogers for Public Works.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way. Ought to Pass. This bill gives the state the necessary control of rights-of-way for safety and aesthetic reasons. Vote 21-0. Rep. Mildred S. Ingram for Public Works.

HB 95, limiting the grounds for eviction of tenants from certain rental units. Ought to Pass with Amendment.

The bill as submitted did not cover all the desired areas determined pertinent in hearings. As amended, the bill was recommended Ought to Pass by a vote of 19-0, and now contains language approved by the sponsor of the legislation and the major tenant and housing representatives testifying so that the intended goals are met. Rep. Robert L. Jones for State Institutions and Housing.

Amendment

Amend RSA 540:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

540:2 Termination of Tenancy.

I. The lessor or owner of nonrestricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and 5.

II. The lessor or owner of restricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and 5, but only for one of the following reasons:

(a) Neglect or refusal to pay rent due and in arrears, upon demand.

(b) Substantial damage to the premises by the tenant, members of his household, or guests.

(c) Failure of the tenant to comply with a material term of the lease.

(d) Behavior of the tenant or members of his family which threatens the health or safety of the other tenants.

(e) Other good cause.

III. If the grounds for eviction is other good cause as set forth in paragraph II(e) of this section, and such cause is based on the actions or inactions of the tenant, members of his family, or guests, the landlord shall, prior to the issuance of the notice to quit, provide the tenant with written notice stating that in the future such actions or inactions would constitute grounds for eviction. Such notice shall be served in accordance with RSA 540:5 or by certified mail.

IV. A tenant's refusal to agree to a change in the existing rental agreement calling for an increase in the amount of rent shall constitute good cause for eviction under paragraph II(e) of this section, provided that the landlord provided the tenant with written notice of the amount and effective date of the rent increase at least 30 days prior to the effective date of the increase.

V. "Other good cause" as set forth in paragraph II(e) of this section includes, but is not limited to, any legitimate business or economic reason and need not be based on the action or inaction of the tenant, members of his family, or guests.

Amend RSA 540:3, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. For all residential tenancies, 30 days' notice shall be sufficient in all cases provided, however, that 7 days' notice shall be sufficient if the reason for the termination is as set forth in RSA 540:2, II(a), (b), or (d).

Amend RSA 540:9 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

540:9 Payment After Notice. No tenancy shall be terminated for nonpayment of rent, utility charges or any other lawful charge contained in an oral rental agreement or lease if the tenant, before the expiration of the notice, pays or tenders all arrearages plus \$15 as liquidated damages; provided, however, that a tenant may not defeat an eviction for non-payment by use of this section more than 3 times in one calendar year.

Amend RSA 540:13-d, II as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

II. If a defendant raises a defense provided in paragraph I of this section, the court may order the action continued for a reasonable time not to exceed one month to enable the plaintiff to remedy the violation. At the time such continuance is ordered, the court shall require the person claiming a defense under this section to pay into court any rent withheld or becoming due thereafter as it becomes due. Upon a finding by the court that the violation has been remedied within the continuance period, the court shall dismiss the possessory action and either award the withheld rent money to the plaintiff or apportion the rent paid into court by paying to the plaintiff the fair rental value of the premises while in the substantially defective condition and by awarding the remainder of said funds to the defendant as damages for plaintiff's breach of his warranty of habitability. If the violation has not been remedied within such period, the court shall enter judgment for the defendant and refund to the defendant all money deposited.

Amend RSA 540:29 as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

540:29 Conflict of Laws. Any provisions of federal law relating to rental units owned, operated or subsidized by the federal government which are inconsistent with or contrary to the provisions of this chapter shall supersede the provisions of this chapter. Where not inconsistent, the provisions of federal law shall apply in conjunction with the provisions of this chapter.

HB 170-FN, authorizing the sale of certain state prison land and allocating the proceeds of the sale. Ought to Pass with Amendment.

This bill, as amended, authorizes the Department of Corrections to declare surplus approximately 2.54 acres of land between the prison farm house and property owned by Weeks Dairy Foods, Inc., and for rebuilding certain new structures on prison land with the money received from the sale when released by the Governor's warrant from the State Treasury. The Department of Corrections will now make available the above land to the Long Range Capital Planning and Utilization Committee for disposition. Vote 19-0. Rep. Ralph Parker for State Institutions and Housing.

Referred to Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

appropriating the proceeds of the sale of certain state prison property.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Proceeds of Sale Appropriated. The proceeds of the sale of approximately 2.54 acres of state prison farm land on North State Street, Concord, New Hampshire, located between the prison farm house and property owned by Weeks Dairy Foods, Inc. are hereby appropriated to the department of corrections for the purpose of rebuilding or replacing certain existing structures; a bunker silo; a manure storage area; constructing with prison labor a milk house building; and equipping a new milking parlor. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 124-FN, relative to sunset review of aeronautics commission administration and support. Ought to Pass with Amendment.

This action continues in operation the Sky Haven Airport as a valuable entity. It also requires that the Aeronautics Commission submit to the General Court by July 1, 1985, a report identifying the best way of transferring ownership from the state to some other viable entity. Vote 11-0. Rep. Ralph Pearson for Transportation.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Report. The aeronautics commission is hereby directed to prepare and submit a report to the general court relative to the best method of transferring the state's ownership and control of the Sky Haven airport in Rochester, New Hampshire. The alternatives shall include, but not be limited to, transferring the airport to a local, county, or regional entity. The report shall be submitted to the general court no later than July 1, 1985.

4 Effective Date. This act shall take effect upon its passage.

HB 202-FN, restricting the use of dealer plates issued to motor vehicle dealers. Refer for Interim Study.

The Committee recognizes that there is a problem with the misuse of dealer plates. However, the bill in its current form would not be the best way to address the problem. Vote 11-0. Rep. Stephen Sloan for Transportation.

HB 206-FN, increasing the fee for duplicate drivers' licenses. Inexpedient to Legislate.

The Committee felt that the increase of more than 100% in the fee was too high. Testimony indicated that some persons request a second license for another's use, but it did not seem that the increase would eliminate this practice. Vote 11-0. Rep. Philip Labombarde for Transportation.

COMMITTEE REPORTS
(Regular Calendar)

HB 77, relative to draft registration and eligibility for college scholarships. Inexpedient to Legislate.

The bill's intent is already covered by federal legislation. The language would make implementation problematic. Vote 20-2. Rep. Wayne M. Burton for Education.

Resolution adopted.

HB 196, relative to runners upon public ways. Ought to Pass with Amendment. Those who jog on public roadways during hours of darkness will give a measure of protection to themselves, and to motorists, by wearing reflectorized clothing, so that they may be visible to any vehicle within 100 feet. The jogger will make the determination as to the type of reflectorized clothing. Vote 9-6. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend section one of the bill by striking out same and inserting in place thereof the following:

1 Runners; Reflective Material Required. Amend RSA 265:39 by inserting after paragraph III the following new paragraphs:

IV. Notwithstanding the provisions of paragraph I, a person may run or jog upon a roadway, provided that the person shall run or jog as near as practicable to an outside edge of the roadway and, if on a 2-way roadway, shall run or jog only on the left side of the roadway whenever practicable.

V. A person running or jogging upon any way during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall wear a sufficient amount of reflective material to be visible to any vehicle within 100 feet.

VI. Except as otherwise provided in this chapter, any runner or jogger upon a roadway shall yield the right of way to all vehicles upon the roadway. This paragraph shall not relieve the driver of any vehicle from the duty to exercise due care as required under RSA 265:37.

VII. Persons running or jogging 2 or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned highway, shall run or jog within a single lane.

VIII. A person who violates paragraph IV, V, VI, or VII of this section shall be subject to a fine of not more than \$25.

Amendment adopted.

Ordered to third reading.

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: House Bill 39 originally was reported by the Public Works Committee for \$80,000, rather than the \$150,000 requested in the bill. When recommittees, the Committee struggled with two main points: (1) the principal of expending state funds on a town road, and (2) the amount necessary to construct the 0.3 mile roadway. By one vote, the Committee decided the amount of \$40,000 was sufficient, but the Committee was unable to find it proper to appropriate that amount or any amount in this case. Vote 16-5. Rep. James A. Chandler for Public Works.

MINORITY: The Town of Raymond appealed to the State Highway Department requesting redress to Prescott Road termination at the new Route 101 road construction. The Committee pondered factors why the State should allocate any reconstruction fund for any town road. Testimony by the Highway Commissioner indicated it was felt the existing road condition was the State's fault. (Rep. James J. White for the Minority.)

Rep. Warburton moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Gene Chandler spoke against the motion.

Reps. Matson and Sloan spoke in favor of the motion and yielded to questions.

Reps. Walter and Bibbo spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 177 NAYS 165

YEAS 177

BELKNAP: Birch, Bolduc, Bowler, Golden, Matthew Locke, Pearson, James J. White and Zeckhausen.

CARROLL: Olimpio.

CHESHIRE: Arnott, Blacketer, Burley, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Ramsay, William Riley, Russell, Schwartz and Young.

COOS: Brideau, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Michael King, Wayne King, LaMott, Scanlan, Stewart and Howard Townsend.

HILLSBOROUGH: Beaupre, Blais, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Carragher, Champagne, Chretien, Cote, Cox, Cronin, Crotty, Donovan, Duperron, Durant, Joseph Eaton, Fields, Nancy Ford, Scott Green, Grip, Marian Harrington, Healy, Herod, Holden, Humphrey, Jasper, George Jones, Knight, Lozeau, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Newcombe, O'Rourke, Norman Packard, Paradis, Perham, Pressly, Raiche, Reidy, Frances Riley, Ellen-Ann

Robinson, Philip Rodgers, Mary Sullivan, Sylvia, Turgeon, Wagner, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight and Winn.

MERRIMACK: Allgeyer, Anderson, Cate, James Chandler, Connolly, Daniell, Hager, Alf Jacobson, Nichols, Rehlander, Roberts, Wallner and West.

ROCKINGHAM: Bangs, Blaisdell, Patti Blanchette, Burdick, Butler, Case, Lawrence Chase, Clay, Connors, Conroy, Felch, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Goss, Courdeau, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Magoon, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Newell, Palumbo, Pantelakos, Parr, Pevear, Raynowska, Rosencrantz, Sanderson, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Splaine, Walker and Warburton.

STRAFFORD: Bernard, Bryant, Callahan, Chamberlin, Diamant, Keans, Lussier, O'Brien, Bruce Packard, Parks, Francis Robinson and Ralph Torr.

SULLIVAN: Brodeur, Call and Paul Johnson.

NAYS 165

BELKNAP: Brough, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook and Jensen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Crane, Davis, Delano, Frink, Morse, Parker, Perry, Ridge, Scranton, Secord and Thompson.

COOS: Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Guay and Marsh.

CRAFTON: Bean, Blair, Christy, Driscoll, Mann, McAvoy, Rounds, Taffe, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Lionel Boucher, Leslie Burns, Charron, Clancy, Ducharme, Dykstra, Clyde Eaton, Fried, Cagnon, Hyman, Chris Jacobson, Keefe, Kelley, Levesque, Lown, Martin, Howard Mason, Murphy, Nute, Bonnie Packard, Pappas, Paquette, Pariseau, Parmenter, Prestipino, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Lucille Wood and Worthen.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Fraser, Gilbreth, Gross, Hayes, Jelley, C. William Johnson, Kidder, Arthur Locke, Pannell, Pantzer, Phelps, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio and James Whittemore.

ROCKINGHAM: Ames, William Boucher, Marilyn Campbell, Day, Elyson, Emanuelson, Bert Ford, Elizabeth Greene, Joslyn, Kane, Nagel, Newman, Popov, Quimby, Norman Rogers, Schwaner, Seward, Schalski, Sytek, Tufts, Vartanian, Vaughn, Welch and Wells.

STRAFFORD: Appleby, Bates, Berkey, Burton, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Kincaid, Laurion, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Disnard, Domini, Ingram, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

Rep. James J. White offered an amendment.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated the sum of \$5,000 to the department of public works and highways for the biennium ending June 30, 1987, for the reconstruction of approximately 0.3 mile of Prescott Road north of route 101 to New Hampshire Route 27, in the town of Raymond. Any right-of-way acquisition shall be kept within the limits of money available in this appropriation. This appropriation shall be a charge against the highway fund.

The Clerk read the amendment.

Rep. James J. White explained the amendment.

On a voice vote the Speaker was in doubt and requested a division.

217 members having voted in the affirmative and 125 in the negative, the amendment was adopted.

Rep. James J. White yielded to questions. HB 39 was referred to Appropriations.

HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor. Ought to Pass with Amendment.

This bill will allow for the first step in which the Department of Public Works and Highways will conduct surveys, studies, designs, construction plans and costs, in preparation of reconstruction or replacement of the state-owned Hampton Seawall. The amendment shows the cost between DRED and Public Highway funds and any federal funds that are available. Vote 21-0. Rep. Beverly Hollingworth for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$275,000 is hereby appropriated for the period ending December 1, 1985, to the department of public works and highways for the necessary surveys, studies, designs and preparation of final construction plans and specifications, including construction cost estimates. The department of public works and highways is authorized to retain the services of a qualified structural engineering consultant

with an established reputation in the specialized field of coastal protection structures to perform the required work for the final design and contract documents for a new seawall. The department is further authorized to accept any federal funds that may be available for this project, and this appropriation shall be reduced by the amount of any federal funds made available. One half of this appropriation, the sum \$137,500, shall be a charge against the highway fund. One half of this appropriation, the sum of \$137,500, shall be a charge against the general fund. The governor is authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Construction Objective. The replacement for the Hampton steel seawall shall be constructed similarly to the existing concrete seawall which adjoins it. The department of public works and highways shall endeavor to find the original designs, plans, specifications, and other pertinent material that was used in the construction in the 1930's of the original concrete seawall, to reduce the costs of this construction.

Amendment adopted.
Referred to Appropriations.

HB 204-FN, authorizing the director of motor vehicles to issue number plates with the word "Naturally" in place of the state motto. Inexpedient to Legislate.

Number plates issued with the word "Naturally" in place of the state motto would tend to increase the multitude of special plates in New Hampshire. Every time a new plate type is issued it creates a possibility of mistaken identity. The probability of confusion can be diminished by not passing this bill. Vote 7-4. Rep. Victor E. Emanuelson for Transportation.

Resolution adopted.

HB 113-FN, relative to sunset review of vocational rehabilitation. Ought to Pass with Amendment.

This bill renews Vocational Rehabilitation, PAU 060324, for 6 years to comply with RSA 17-G. The amendment directs the Blind Services Division of Vocational Rehabilitation to adopt rules necessary to require training and supervision of operators of the Vending Stand Program. Funds are available in Blind Services to implement the directive. Vote 19-0. Rep. Monte D. Rehlander for Education.

Rep. William Boucher moved that HB 113 be recommitted to the Committee on Education and spoke to his motion.

Adopted.

HB 113 was recommitted to the Committee on Education.

HB 279-FN, relative to a multi-state lotto compact and making an appropriation therefor. Ought to Pass with Amendment.

The Committee voted 13-0 in favor of reporting this bill as Ought to Pass with Amendment. The appropriation section is removed by the amendment. Rep. Carol A. Nagel for Regulated Revenues.

Amendment

Amend the bill by striking out sections 4 and 5 and renumbering section 6 to read as 4.

Rep. Kenneth MacDonald yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 280-FN, relative to a tri-state lotto compact. Inexpedient to Legislate.

The sponsor requested that HB 280 be considered concurrently with HB 279 since the subject content of the two are similar. The request was approved and HB 279 was the vehicle chosen to address the subject of a multi-state lotto compact. Vote 13-0. Rep. Robert N. Kelley for Regulated Revenues.

Resolution adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 28 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 81, relative to the age of a person who could withdraw from school with parental consent.

HB 110-FN, relative to sunset review of the division of vocational rehabilitation.

HB 111-FN, relative to sunset review of vocational rehabilitation-social security programs.

HB 25, recodifying RSA title XL and relocating certain RSA chapters.

HB 78, relative to resident commercial salt water licenses.

HB 211, relative to trapping beaver and otter.

HB 166, relative to the definition of antique gambling machine.

HB 190, permitting access to personnel files of former employees.

HB 99, relative to the state guard.

HB 265, relative to boat inspectors.

HB 203-FN, establishing a study committee to evaluate microwave asphalt concrete road repair.

HB 221, relative to replacement or new highway signs.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way.

HB 279-FN, relative to a multi-state lotto compact and making an appropriation therefor.

HB 95, limiting the grounds for eviction of tenants from certain rental units.

HB 124-FN, relative to sunset review of aeronautics commission administration and support.

HB 196, relative to runners upon public ways.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolled Bills Reports only.

Adopted.

The House recessed at 2:24 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

HOUSE JOURNAL 9

Thursday, 28Feb85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, source of all wisdom, teach us how to deal with money. Called the root of all evil, could we do away with it? What then would we use to exchange our services, would it be newts, bark of birch or chip of granite?

If we cannot escape from the use of money, guide us to escape from the abuse of money. Teach us to be stewards and not slaves, that our currency remain the means for works of charity, payment for value received and the foundation of higher ideals. 'In You we trust.' Amen.

Rep. Schotanus led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Weymouth, Wadsworth, Krasker, Kinhan, Reidy and Blaisdell, the day, illness.

Reps. Duprey, Mehegan, Dwyer, Zis, Stachowske, Millard, Lewis and Blanchette, the day, important business.

Rep. Powers, the day, illness in the family.

INTRODUCTION OF GUESTS

8th Grade Social Studies Class from Oyster River Middle School, Durham, with their teacher Christopher Lawrence, guests of Rep. Bryant, Jimmy Bibbo, grandson of Rep. Bibbo; Brian Beaupre, son of Rep. Beaupre; Brian McCarthy, guest of Rep. Wayne King; Russell Noel, guest of Rep. Kincaid; Becca Caxxico, guest of Rep. Palumbo; Elizabeth Whittemore and Col. Robert McCabe, wife and guest of Rep. Whittemore; John and Fred Branscombe, guests of Rep. Stewart; Scott Newton, grandson of Rep. Wells; Martha Baker and Mrs. Phyllis Raynowska, guests of Rep. Raynowska; John and Dorcas Donovan, guests of Rep. McGlynn; Mrs. Lucille Frechette, wife of Rep. Frechette; Herbert F. Oliver, Principal of Clark and Wilkins Schools in Amherst, his wife, Regina, and his children, Bethany, Megan and Kyle, guests of Rep. Holden; Susan Cole, Maryanne Sisk, Dana Strauges, Brett Edwards, Ernest O. Kolawole Adewumi of Nigeria guests of Rep. Dexter; Bob O'Connor, Jeff Higgins, Marc Latulippe, Tony Michaud and Ryan

Petrain, Scouts of Troop 252, St. John's, Hudson, and their Assistant Scout Master, Raymond Smith, guests of the House.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 490 through 512, and HBI 2006, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted

INTRODUCTION OF HOUSE BILLS and HBI First, second reading and referral

HB 490, relative to the pharmacy board and amending the controlled drug act. (Sytek of Rockingham Dist. 20; Case of Rockingham Dist. 6 - To Judiciary)

HB 491, permitting counties and the state to contract with private entities for the construction, operation, supervision and maintenance of correctional facilities and the youth development center. (Smith of Hillsborough Dist. 9 - To State Institutions and Housing)

HB 492-FN, requiring the state to pay for court-ordered placement of juveniles. (Ahrens of Hillsborough Dist. 13; Harrington of Hillsborough Dist. 7 - To Children, Youth and Elderly Affairs)

HB 493-FN, relative to aircraft registration. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 494, requiring the licensing of child care workers. (Ahrens of Hillsborough Dist. 13; Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33; Nelson of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 495, eliminating depositions in criminal cases of children under age 13 except in certain cases. (Ahrens of Hillsborough Dist. 13; Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33; Nelson of Hillsborough Dist. 31; Tamposi of Hillsborough Dist. 27 - To Children, Youth and Elderly Affairs)

HB 496-FN, relative to special number plates for nonprofit organizations serving the mentally impaired. (Burdick of Rockingham Dist. 7 - To Transportation)

HB 497-FN, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person. (Phelps of Merrimack Dist. 1; Tamposi of Hillsborough Dist. 27; Palumbo of Rockingham Dist. 10; Harrington of Hillsborough Dist. 7; Podles of Dist. 16 - To Regulated Revenues)

HB 498, relative to the dam maintenance fund and making an appropriation therefor. (Dickinson of Carroll Dist. 2; Blanchard of Rockingham Dist. 26; Burdick of Rockingham Dist. 7; Wiggins of Dist. 8; Preston of Dist. 23 - To Resources, Recreation and Development)

HB 499, relative to the disposal of state owned real property. (Brough of Belknap Dist. 10; White of Belknap Dist. 1;

Jelley of Merrimack Dist. 17 - To State Institutions and Housing)

HB 500-FN, relative to municipal courts. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 501-FN, relative to mediators, factfinders an arbitrators of disputes between public employers and public employees. (McGlynn of Hillsborough Dist. 29 - To Labor, Industrial and Rehabilitative Services)

HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 503-FN, relative to delinquent trappers' reports. (Dionne of Strafford Dist. 5 - To Fish and Game)

HB 504, relative to the right to know law. (Chambers of Grafton Dist. 12 - To Judiciary)

HB 505, relative to the office of the ombudsman within the state council on aging. (Townsend of Sullivan Dist. 1; McLane of Dist. 15 - To Children, Youth and Elderly Affairs)

HB 506, relative to building second residential dwelling units in single family homes. (McAvoy of Grafton Dist. 1 - To State Institutions and Housing)

HB 507, relative to damages paid by the department of fish and game. (Whitcomb of Grafton Dist. 1 - To Fish and Game)

HB 508, authorizing police officers to order removal of motor vehicle fatalities. (Fried of Hillsborough Dist. 16; Pressly of Hillsborough Dist. 24 - To Judiciary)

HB 509-FN, relative to the definition of automobile dealer. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 510, modifying the reporting requirement for certain accounts of deceased persons. (Sanderson of Rockingham Dist. 25; Lown of Hillsborough Dist. 9 - To Ways and Means)

HB 511, requiring special agents to complete a preparatory police training program. (MacDonald of Carroll Dist. 6 - To Regulated Revenues)

HB 512, relative to cease and desist orders by the bank commissioner. (Lamy of Hillsborough Dist. 46; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HBI 2006, relating to the historical fund administered by the joint legislative historical committee. (Sallada of Hillsborough Dist. 4 - To Legislative Administration)

THREE-LEGISLATIVE DAY EXTENSIONS GRANTED

Rep. Dickinson moved that the Committee on Resources, Recreation and Development be granted a three-legislative day extension on HB 165, relative to an OHRV facility in the Pine River state forest.

Granted.

Rep. James Chandler moved that the Committee on Legislative Administration be granted a three-legislative day extension on

HB 19, requiring the singing of the national anthem at the commencement of the regular legislative session, and HB 87, providing the legislative budget assistant with access to certain records.

Granted.

Rep. Wood moved that the Committee on Commerce, Small Business and Consumer Affairs be granted a three-legislative day extension on HB 59, to prohibit blind bidding on motion pictures.

Granted.

Rep. Benton moved that the Committee on Public Protection and Veterans Affairs be granted a three-legislative day extension on HB 168, exempting county nursing homes and county hospitals from the state requirement of being equipped with automatic fire warning devices.

Granted.

Rep. Mann moved that the Committee on Municipal and County Government be granted a three-legislative day extension on HB 96, amending certain planning and zoning statutes.

Granted.

Rep. Ward moved that the Committee on Executive Departments and Administration be granted a three-legislative day extension on HB 167, establishing a department of commerce.

Rep. Quimby moved that the Committee on Commerce, Small Business and Consumer Affairs be granted a three-legislative day extension on HB 27, establishing a department of education.

Granted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 200 was removed at the request of Rep. Marian Harrington.

HB 70 was removed at the request of Rep. Ingram.

HB 224 was removed at the request of Rep. Kohl.

HB 278 was removed at the request of Rep. James Chandler.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 55-FN, authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor. Ought to Pass.

Because of unanswered questions, a bill to schedule controlled drugs did not pass in 1983. HB 55-FN is an improved version and has the support of both public health and law enforcement officials. The appropriation is the sum of \$3,552 for the fiscal year ending June 30, 1986 and the sum of \$3,552 for the fiscal year ending June 30, 1987. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

HB 245-FN, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, allows payment of bill owed the Department of Public Works and Highways by Department of Resources and Economic Development and also extends life of prison appropriation. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation; and extending a lapse date to June 30, 1987.

Amendment

Amend paragraph II of section one of the bill by striking out same and inserting in place thereof the following:

II. Department of postsecondary vocational-technical education - New Hampshire technical institute, Concord	
10 Personal services - permanent	\$ 18,899
20 Current expenses	15,000
23 Heating fuel and electricity	20,000
60 Benefits	2,273
97 Maintenance - contract forces	14,655
99 Indirect costs	1,136
Total	\$ 71,963

Estimated source of funds for New Hampshire technical institute, Concord

General fund	\$ 71,963
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Amend paragraph III of section one of the bill by striking out same and inserting in place thereof the following:

III. Department of resources and economic development- division of parks	
20 Current expenses	\$ 17,500
50 Other personal services	107,500
90 Preparation for fiftieth anniversary of the state parks system	\$190,000
Estimated source of funds for division of parks	
General Fund	\$315,000

Amend paragraph IV of section one of the bill by striking out same and inserting in place thereof the following:

IV. Liquor commission	
(a) Data processing	
50 Other personnel services	\$ 15,000
60 Benefits	1,500
80 Out-of-state travel	2,000
91 Highway computer rental	54,260
93 Computer rental, maintenance, and software development	105,251
94 Miscellaneous data processing expenses	20,000
97 Training and schooling, programmers	10,000
(b) Stores	
20 Current expenses	15,000
98 Relocation fund	60,000

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Lapse Date Extended. The appropriations made by 1983, 4:1, I, A are hereby extended until June 30, 1987, and shall not lapse until that time.

3 Effective Date. This act shall take effect upon its passage.

HB 268-FN, making certain supplemental appropriations. Ought to Pass with Amendment.

HB 268-FN, the "supplemental" budget, appropriates funds needed by certain state agencies between now and July 1 when regular operating budget funds become available. For example, some money for state parks is included because July 1 would be too late to get the work done prior to the summer season. Vote 21-0. Rep. William F. Kidder for Appropriations.

(c) Warehouse	
50 Other personal services	10,000
Total	<u>\$293,011</u>
Estimated source of funds for liquor commission	
General Fund	\$293,011

Amend paragraph VI of section one of the bill by striking out same and inserting in place thereof the following:

VI. Administrative services - indigent defendants	
90 Assigned counsel	\$1,061,607
Estimated source of funds for assigned counsel, indigent defendants	
General fund	\$1,061,607

Amend section one of the bill by inserting after paragraph VI the following new paragraphs:

VII. Sweepstakes commission - tri-state lotto.	
10 Personal services-permanent	\$ 12,785
20 Current expenses	136,000
30 Equipment	4,160
60 Benefits	2,555
70 In-state travel	2,000
80 Out-of-state travel	1,500
95 Transfer to division of information services	6,000
Total	<u>\$165,000</u>

Total source of funds for sweepstakes commission	
Sweepstakes fund	\$165,000

VIII. Board of examiners of psychologists - board expenses	
20 Current expenses	\$12,100
50 Other personnel services	3,462
60 Benefits	238
70 In-state travel	600
80 Out-of-state travel	400
Total	<u>\$16,800</u>
Estimated source of funds for board of psychologists	
General fund	\$16,800

IX. Department of health and welfare	
(a) Economic services (PAU 05,02,04,02,02)	
93 1984 audit funds set aside	\$ 64,000
94 1985 audit funds set aside	64,000
(b) Administration (PAU 05,02,04,04,01)	
93 1984 audit funds set aside	134,715
94 1985 audit funds set aside	151,520
Total	<u>\$414,235</u>
Estimated source of funds for department of health and welfare	
Federal funds	\$414,235

X. Department of safety - division of state police	
90 Construction of impoundment area	\$ 30,000
Estimated source of funds for department of safety	
Highway fund	\$ 30,000

XI. Board of veterinary medicine	
50 Other personal services	\$3,950
60 Benefits	248
Total	<u>\$4,198</u>

Estimated source of funds for board of veterinary medicine	
General fund	\$4,198

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Contingency Provision. The appropriation made in paragraph VII of section one of this act shall take effect only if HB 279-FN of the 1985 regular session, "An Act relative to a multi-state lotto compact and making an appropriation therefor," becomes law.

3 Purchasing; Legislative Branch Excepted. Amend RSA 8:25 by inserting after paragraph II the following new paragraph:

II-a. The legislative branch is excepted entirely from the provisions of this chapter and RSA 21-1.

4 Deleting the General Court from Certain Purchasing Requirements. Amend RSA 21-1:11, I(b) (supp) as inserted by 1983, 416:40 by striking out in line one the words "the general court," so that said subparagraph as amended shall read as follows:

(b) "Agency" shall mean any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.

5 Additional Appropriation for Motor Vehicle Replacements. Amend 1983, 469:11, I by striking out said paragraph and inserting in place thereof the following:

I. It is hereby declared to be the intent of the general court that the appropriations made by section 1 of this act shall be sufficient to meet the requirements of each department, institution, commission or other agency for motor vehicles of a gross vehicle weight of 3 tons or less or replacements thereof. In the event, however, that any department, institution, board, commission, or other agency, after consultation with the director of purchase and property and the fiscal committee, finds that the cost of repair to any such motor vehicle is prohibitive and that it would cause an extreme hardship for said department, institution, board, commission, or other agency to operate without such motor vehicle, the chief executive of said department, institution, board, commission, or other agency shall request the governor with the approval of the council for authority to expend the sums needed for a replacement vehicle. For the purposes of this section, each replacement vehicle shall be a subcompact front wheel drive vehicle unless the fiscal committee determines upon application of the department, institution, board, commission, or other agency that there is a clear and convincing need to replace such a vehicle with some other type of vehicle. There is hereby appropriated for said purpose the sum of \$100,000 for each year of the biennium ending June 30, 1985. In addition, there is hereby appropriated the sum of \$30,000 for the fiscal year ending June 30, 1985, for said purpose. The sums appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrants for said sums, which shall be a charge against the general fund.

6 Effective Date. This act shall take effect upon its passage.

HB 291-FN, making a supplemental appropriation for the board of examiners of psychologists. Inexpedient to Legislate.

The appropriation contained in this bill has been included in HB 268-FN. Vote 21-0. Rep. William F. Kidder for Appropriations.

HB 297-FN, making a supplemental appropriation to the special railroad fund. Ought to Pass with Amendment.

This bill appropriates funds necessary to make up deficit in the "Special Railroad Fund." It also amends existing law so that payments in the future will not be a problem. Vote 18-1. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a supplemental appropriation to the special railroad fund and making the debt service on the railroads improvement bond a charge against the general fund.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplemental Appropriation. In addition to any other sums appropriated, the sum of \$1,100,000 for the fiscal year ending June 30, 1985, is hereby appropriated to the special railroad fund established by RSA 228:68 to provide funds for the authorized charges to the fund for the period through June 30, 1985. The appropriation shall be charged against the general funds of the state. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Railroad Bonding. Amend 1974, 49:4 as amended by 1981, 350:1 by striking out said section and inserting in place thereof the following:

49:4 Amortization of Bonds. The interest and principal on bonds, notes, or loans under section 3 of this act shall, beginning on July 1, 1985, be a charge upon the general funds of the state and are hereby appropriated therefor.

3 Effective Date. This act shall take effect upon its passage.

HB 66, eliminating the exception of insurance from certain provisions of the Administrative Procedure Act and excepting the bank commissioner from certain provisions of the Administrative Procedure Act. Ought to Pass with Amendment.

By unanimous vote (19-0), the Committee indicated that the Insurance Department should be subject to the same administrative procedures that apply to all state agencies. The Insurance Commissioner testified in support of the

bill and no one opposed it. Rep. Joseph Diament for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Insurance Rules. The rules of the insurance commissioner adopted pursuant to the authority granted in RSA titles XXXVII and XXXVIII shall remain in effect for a period of no longer than 2 years from the effective date of this act, but may be readopted pursuant to RSA 541-A.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company. Ought to Pass. The Committee feels that this bill permits a person to serve as a trustee, director or officer of both savings bank or cooperative bank and limited trust company. Vote 22-0. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

HB 237, relative to the savings accounts of minors. Inexpedient to Legislate. Bill turned down as not actually addressing the problem. Vote 12-3. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 251, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. Inexpedient to Legislate.

The issue raised in HB 251 has been reviewed extensively by the Public Utilities Commission and their conclusion, as is the unanimous conclusion of the Commerce, Small Business and Consumer Affairs Committee, is that it cannot be dealt with properly at the state level and a study Committee would not be prudent. Vote 22-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HJR 1, relative to a systematic review of health coverage proposals. Inexpedient to Legislate.

A majority of 16-5 felt this resolution would place an unfair burden on any citizen who wished to approach the legislature to address insurance legislation. This was felt to be discriminatory. Rep. William A. Varkas for Commerce, Small Business and Consumer Affairs.

HB 176, relative to ballots for districts which elect more than one state representative to the general court. Inexpedient to Legislate.

Another bill will cover this subject. Sponsors of this bill are in agreement. Vote 13-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 141-FN, relative to sunset review of the office of waste management. Ought to Pass with Amendment.

This bill renews the Office of Waste Management for 6 years. The amendment addresses a sunset recommendation correcting a conflict between a budget footnote and a statute relative to debt service on bonds for hazardous waste clean-up. Vote 14-0. Rep. Barbara B. Bowler for Environment and Agriculture.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Bonds Charged Against General Fund. Amend 1983, 469:58 by striking out said section and inserting in place thereof the following:

469:58 Bonding Authorization. To provide funds for the remedial investigations and remedial cleanup costs involved pursuant to RSA 147-B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes shall be a charge against the general fund.

4 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 86, relative to boxing involving a person under the age of 18. Inexpedient to Legislate.

This legislation would abolish the sport of boxing for individuals under the age of eighteen. The sponsor presented evidence relative to personal injuries resulting from boxing matches. The Committee believes that if the intent is to reduce injuries, ample rulemaking authority rests within the boxing commission to address this issue and provide adequate safeguards to reduce the threat of injury. Vote 20-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 88-FN, providing for free transit through state toll booths for retired state employees. Inexpedient to Legislate.

This bill is potentially discriminatory and would be detrimental to revenues. Vote 20-0. Rep. William F. McCain for Executive Departments and Administration.

HB 178, relative to the members of the barbering and cosmetology board. Ought to Pass with Amendment.

This bill, as amended, provides for staggered terms, thereby insuring continuity within the Board's function. Vote 21-0. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Present Board Members. The terms of the board members in office on or after July 1, 1985, shall expire on June 30, 1986, and they shall be eligible for appointment under section 3 of this act, provided that no member may serve more than 2 consecutive terms or 10 years on the board, whichever is more. For purposes of this section, the number of terms served by a board member before June 30, 1986, shall count against the 2 consecutive term restriction set forth in RSA 313-A:2, 1.

Amend paragraph III of section 3 of the bill by striking out same and inserting in place thereof the following:

III. The initial terms of office shall be 2 years for 2 board members, 3 years for 2 board members, 4 years for 2 board members and 5 years for one board member. A board member shall be eligible to serve one 5 year term after his initial term expires if he otherwise meets the eligibility requirements of RSA 313-A:2, 1.

HB 45, relative to licenses issued by the department of fish and game. Ought to Pass with Amendment.

This bill deals with the transition from multiple form license to multi-form license with a reduction in number and a clarity of definition. This is a major revenue saving bill for the Department of Fish and Game. Vote 17-0. Rep. Laura Pantelakos for Fish and Game.

Amendment

Amend RSA 206:35-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:35-a Pheasant License or Stamp Revenues. The state treasurer shall establish a separate account to which shall be credited all moneys collected by the fish and game department from issuance of pheasant licenses or stamps under RSA 214:9, X. The moneys in said account shall be used only for purchase or propagation of pheasants, and is hereby appropriated for said purposes. These funds shall be expended for the purposes of this section as determined by the executive director with the approval of the commission.

Amend RSA 206:35-b as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

206:35-b Wild Turkey License or Permit Revenues. The state treasurer shall establish a separate account to which shall be credited all money collected by the fish and game department from issuance of wild turkey licenses or permits under RSA 214:9, XI. The money in said account shall be nonlapsing and used only for restoration and management of wild turkeys, and is hereby

appropriated for said purposes. Said funds shall be expended for the purposes of this section as determined by the executive director with the approval of the commission.

Amend RSA 208:16 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

208:16 Use of Deer Tag. The holder of a license to hunt under RSA 214:9, I, III, VI and VII shall be provided with a deer tag. The holder of a license shall, upon killing his deer, fill out and securely attach to the deer or carcass the deer tag bearing the name and address of the licensee. The deer tag shall remain attached to the deer or carcass thereof as long as the deer or carcass remains in the state, and the owner shall be entitled to transport it or have it transported as provided in RSA 208:12 and 13. Only the deer tag issued to the licensee who killed the deer shall be attached to that deer carcass. No person shall possess a deer tag that was not issued to that person. No person shall attach a deer tag to a deer he did not kill.

Amend RSA 211:38 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

211:38 Lobster Meat. No person shall sell lobster meat which has not been processed and sealed within containers which do not require refrigeration without first procuring a license to do so. The executive director shall issue such license for a period of one calendar year pursuant to the provisions of RSA 211:39 and RSA 211:39-a. The license shall expire on December 31 of each year.

Amend RSA 211:39 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

211:39 Retail Dealer's License.

I. No person, firm or corporation shall engage in a retail trade in lobsters or crabs, without first having procured from the executive director a license therefor. Such license shall entitle the holder, as a retail dealer, to buy, sell, ship and transport lobsters and crabs in retail trade within and outside this state. A separate license shall be required for each market, store, vehicle or other facility where lobsters and crabs are sold in retail trade. A retail dealer's license shall not be required of a person to buy or transport lobsters and crabs that are possessed by him for consumption by himself or family, nor of a properly licensed fisherman who, by virtue of his lobster and crab license, may transport and sell any lobsters and crabs that have been lawfully taken by him.

II. A fee of \$10 shall be charged for a license issued to a resident retail dealer selling lobsters, lobster meat or crabs.

III. A fee of \$50 shall be charged for a license issued to a nonresident retail dealer selling lobsters, lobster meat or crabs.

IV. The fees prescribed in RSA 211:39, II and III shall be charged for each license obtained by a retail dealer.

Amend RSA 211:39-a as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:
211:39-a Wholesale Dealer's License.

I. No person, firm or corporation shall engage in a wholesale trade in lobsters or crabs without first having procured from the executive director a license therefor. Said license shall entitle the licensee to buy, sell and transport lobsters and crabs in wholesale trade within the state and to ship lobsters and crabs within and outside the state. A separate license shall be required for each market, store, vehicle or other facility where lobsters or crabs are sold at wholesale.

II. A fee of \$35 shall be charged for a license issued to a resident wholesale dealer selling lobsters, lobster meat or crabs.

III. A fee of \$100 shall be charged for a license issued to a nonresident wholesale dealer selling lobsters, lobster meat or crabs.

IV. The fees prescribed in RSA 211:39-a, II and III shall be charged for each license obtained by a wholesale dealer.

Amend RSA 214:3 as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

214:3 Members of Armed Forces.

I. Any resident of this state who is on regular active duty with any branch of the armed forces of the United States and who was a legal resident prior to entry into said armed forces shall be entitled to purchase all licenses and permits at resident fees pursuant to the restrictions of title XVIII.

II. Nonresident military personnel who are on regular active duty with any branch of the armed forces of the United States, and their dependents, permanently stationed at military bases within the state shall be entitled to purchase regular hunting and fishing licenses or combination licenses at the same fee as is charged a legal resident of the state pursuant to the restrictions of title XVIII.

III. Military personnel licensed under this section shall carry upon their person a valid military identification card while engaged in the licensed activities.

Amend RSA 214:8 as inserted by section 16 of the bill by striking out same and inserting in place thereof the following:

214:8 Form. The executive director shall prepare licenses, game tags, permits, stamps, and such other forms as determined necessary to comply with all licensing requirements of title XVIII. Such license, when issued to the licensee, shall bear the date of issuance, and shall contain the name, age, color of eyes, and residence of the licensee and such other information, including affidavits, as may be requested by

the executive director. The license, to be valid, shall be countersigned by the licensee on the face of the license in the space provided.

Amend section 17 of this bill by striking out same and inserting in place thereof the following:

17 Special One Day Fishing Licenses. Amend RSA 214 by inserting after section 14-b the following new section:

214:14-c One Day Licenses. The executive director is hereby authorized to establish within state parks in cooperation with the department of resources and economic development, such license agencies as he determines necessary to distribute a special one day fishing license for the purpose of fishing within certain state parks only. Rules, fees, and licensing procedures shall be adopted by the executive director in accordance with RSA 541-A.

Amend section 18 of the bill by striking out same and inserting in place thereof the following:

18 Pheasants. Amend RSA 214:9, X (supp) as inserted by 1975, 440:2 as amended by striking out said paragraph and inserting in place thereof the following:

X. If the applicant wishes to hunt pheasants, \$10, and the agent shall thereupon issue a pheasant license or stamp which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, no more than 2 pheasants, one of which may be female, per day during the open season.

Amend section 19 of the bill by striking out same and inserting in place thereof the following:

19 Wild Turkey. Amend RSA 214:9, XI (supp) as inserted by 1977, 459:6 by striking out said paragraph and inserting in place thereof the following:

XI. If the applicant wishes to hunt wild turkeys, \$5, and the fish and game department shall thereupon issue a wild turkey license or permit which shall entitle the licensee to hunt, shoot, kill and take turkey, except by the use of traps. The bag limit shall be determined by rules adopted by the executive director pursuant to RSA 541-A.

Amend section 20 of the bill by striking out same and inserting in place thereof the following:

20 Lost License. Amend RSA 214:9-b (supp) as inserted by 1961, 162:1 as amended by striking out same and inserting in place thereof the following:

214:9-b Lost License, Duplicate. A person who loses or by mistake or accident destroys his license may, upon payment of a fee of \$5.00, receive a duplicate license if the applicant completes affidavits setting forth the circumstances surrounding its loss or destruction. The duplicate license shall

entitle the licensee to engage in all activities permitted on the original license.

Amend RSA 214:15, I as inserted by section 21 of the bill by striking out same and inserting in place thereof the following:

I. The agent shall collect from the licensee a fee of \$.50 for each license type issued on a license form and shall account to the executive director for the full face value of the licenses sold. He shall pay to the executive director no later than the fourteenth of each month the full face value of all licenses sold up to the first of the same month and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the executive director. All licenses sold at the department headquarters or any subagency thereof shall charge the same fee as outlined herein. Such fee shall be credited to the fish and game fund.

Amend RSA 214:16 as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

214:16 Unused Blanks. Agents shall return to the executive director, within 14 days after the close of the current year, all unused license blanks. Agents shall be held responsible to the state for all license blanks and shall pay for any unaccountable license blanks the full face value of the highest price license printed thereon, except that the executive director may waive this requirement when, in his sole judgment, there is just cause to do so.

Amend the bill by striking out all after section 22 and inserting in place thereof the following:

23 Application Fees. Amend RSA 214:9 by inserting after paragraph XII the following new paragraph:

XIII. Notwithstanding the provisions of RSA 214:9, VIII(d), any recognized summer camp operated within the state may apply to the executive director of the fish and game department for a group fishing license that may be utilized by individual campers at least 12 years of age and under 16 years of age while participating in camp activities. The fee for such license shall be determined by the executive director pursuant to rules adopted under RSA 541-A.

24 Exception for Aged Persons. Amend RSA 211:62-as (supp) as inserted by 1967, 3:1 as amended by striking out said section and inserting in place thereof the following:

211:62-as Exception for Aged Persons. No fee, including the agent's fee, shall be required for the issuance of a license under the provisions of RSA 211:62-a for taking clams, clam worms or oysters of a resident of the state who is 68 years of age or over. Such license shall be effective for said resident during the remainder of his life, as long as the applicant remains a resident of the state, unless sooner

suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

25 Persons Over 68 Years of Age. Amend RSA 214:7-a as inserted by 1959, 254:1 as amended by striking out said section and inserting in place thereof the following:

214:7-a Persons Over 68 Years of Age. Any resident of this state who is 68 years of age or over may make application, to any authorized agent of the state for the sale of fishing and hunting licenses, for a special license to fish and hunt, under the restrictions of this title. Such license shall be marked in such manner as the executive director may designate and there shall be no fee, including the agent's fee, for such license. Such license shall be effective for said resident during the remainder of his life, as long as the applicant remains a resident of the state, unless sooner suspended or revoked by the executive director. The minimum residency requirements of RSA 214:7-b are applicable.

26 Resident Aliens. Amend RSA 206:10, III (supp) as inserted by 1978, 40:3, II by striking out said paragraph and inserting in place thereof the following:

III. If the applicant is a resident alien, the agent shall issue a nonresident fishing, hunting, or combination fishing and hunting license, and the applicant shall be considered a nonresident when applying for any other license, permit or stamp.

27 Pheasant Stamp or License. Amend RSA 214:1-b as inserted by 1975, 440:1 by striking out said section and inserting in place thereof the following:

214:1-b Pheasant Stamp or License Required. No person shall at any time hunt, shoot, pursue, kill or take pheasants in this state without first procuring, in addition to the applicable hunting license required by RSA 214:1, a stamp or license to do so under RSA 214:9, X, for the same period. If a stamp is issued, it must be permanently affixed to the back of said hunting license and signed across the face in a permanent manner with the applicant's signature. A person under the age of 16 years may hunt, shoot, pursue, kill or take pheasants without such a stamp or license provided that, while so doing, he is accompanied by an adult who has procured such a stamp or license.

28 Wild Turkey. Amend RSA 214:1-c (supp) as inserted by 1977, 459:5 by striking out said section and inserting in place thereof the following:

214:1-c Wild Turkey Permit or License. No person shall at any time hunt, shoot, pursue, kill or take wild turkey in this state without first procuring, in addition to the applicable hunting license required by RSA 214:1, a permit or license to do so under RSA 214:9, XI, for the same period.

29 Repeal. The following are hereby repealed:

I. RSA 214:4, relative to military personnel permanently stationed at military bases within the state.

II. RSA 214:4-a, relative to nonresident servicemen.

III. RSA 214:5, relative to termination of military service.

IV. RSA 214:5-a, relative to nonresident student hunting licenses.

V. RSA 214:8-a, relative to blood type.

30 Lost Game Tag. Amend RSA 214 by inserting after section 9-c the following new section:

214:9-d Lost Game Tag. A person who loses or by mistake or accident destroys his game tag may, upon payment of a fee of \$5, receive a duplicate game tag if the applicant completes affidavits setting forth the circumstances surrounding its loss or destruction.

31 Unused Game Tags. Amend RSA 214 by inserting after section 16 the following new section:

214:16-a Unused Game Tags. Agents shall return to the executive director, within 14 days after the close of the current year, all unused game tags. Agents shall be held responsible to the state for all game tags and shall pay for any unaccountable tag the amount of \$10 each, except that the executive director may waive this requirement when, in his sole judgment, there is just cause to do so.

32 Effective Date.

I. Sections 1 through 29 of this act shall take effect January 1, 1986.

II. Sections 30 and 31 of this act shall take effect January 1, 1987.

HB 219, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. Inexpedient to Legislate.

The Committee felt, after hearing testimony, that present law covers the situation and no further law is needed at this time. Vote 17-0. Rep. Roland M. Turgeon for Fish and Game.

HB 247, relative to setting muskrat traps. Inexpedient to Legislate.

As a protection measure for the muskrat resource, the present laws regarding trapping within 15 feet of muskrat dens or holes should remain in effect. Vote 15-1. Rep. Robert D. Hussey for Fish and Game.

HB 129-FN, relative to sunset review of division of public health services. Ought to Pass with Amendment.

The bill continues Public Health Services with all of its present goals but mandates certain studies be undertaken by the Department of Health and Human Services with a requirement to report with recommendations to standing house and senate committees having cognizance of public health matters. It abolishes the positions of State Health Officer and Deputy State Health Officer vesting all duties with the Director, Division of Public Health Services. Vote 19-0. Rep. Matthew M. Sochalski for Health and Human Services.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Integrated Data Base. The division of public health services shall, in cooperation with other relevant state agencies and within existing appropriations, develop a single integrated data base on handicapped children.

4 Fee System for All Publications.

I. The commissioner of the department of health and human services shall, by January 1, 1986, submit a recommended fee system for publications produced by the division of public health services to the standing committees of the house and senate having cognizance of public health matters.

II. This fee system shall include the following:

- (a) costs of various publications prepared by the division;
- (b) fee schedule designed to recover costs associated with various publications;
- (c) explanation as appropriate regarding areas wherein cost recovery is not considered feasible.

5 Personnel Turnover.

I. The commissioner of the department of health and human services shall conduct a study to determine the causes of the division's excessive personnel turnover problem and submit a report to the standing committees of the house and senate having cognizance of public health matters by January 1, 1987.

II. The report shall include the following:

- (a) specific reasons for employee departure;
- (b) an analysis of the underlying causes of the problem; and
- (c) recommendations to allay the problem.

III. The division shall coordinate their efforts with the department of personnel.

6 Certificate of Need.

I. The commissioner of the department of health and human services shall, by January 1, 1986, submit a report containing precise, quantitative performance measures regarding the certificate of need process to the appropriate standing committees of the house and senate. These measures will be designed to evaluate the certificate of need process in the following areas:

- (a) Prevention of duplication in the development of facilities and services;
- (b) Containment of health care cost;
- (c) Fostering competition; and
- (d) Improvement of access to health care.

II. The commissioner of the department of health and human services shall, by January 1, 1987, predicated on the health planning data and performance measures in paragraph I, submit a report on the effectiveness of the certificate of need process to the appropriate standing committees of the house and senate.

7 Child Care License Background Check.

I. It is the intent of the general court to ensure the well being of children placed in child care facilities.

II. To achieve this end, the commissioner of the department of health and human services shall, by January 1, 1986, submit a plan relative to background checks for child care license applicants and their employees to the standing committees of the house and senate having cognizance of public health matters.

III. The report shall include the following:

(a) Costs associated with the background check to include a national check in conjunction with the FBI; and

(b) Anticipated number of personnel to be checked.

8 Child Care Licensing Report.

I. The commissioner of the department of health and human services shall, by January 1, 1986, submit a report on child care facility licensing to the standing committees of the house and senate having cognizance of public health matters.

II. The report shall include the following:

(a) A proposed sliding scale fee system for licensing of child care facilities based on the number of background checks per facility;

(b) Procedures for collecting such fees;

(c) Estimates of revenue to be derived from the fee schedule; and

(d) Cost estimates of administration and fee collection.

III. Background checks shall be maintained in the commissioner's file for a period of years to be determined by the commissioner.

9 Health Facilities. The commissioner of the department of health and human services shall, by January 1, 1986, review the overlap system of federal and state inspections of health care facilities. He shall submit a report, by January 1, 1986, relative to the financial feasibility of consolidation to the appropriate standing committees.

10 Bureau of Health Facilities Administration. The commissioner of the department of health and human services shall, by January 1, 1986, submit a report to the standing committees of the house and senate having cognizance of public health matters as to why no disciplinary action was taken by the bureau during the fiscal years 1981-1983. The report shall include the following:

(a) The number of unannounced visits to health facilities;

(b) The number of major and minor deficiencies that were recorded; and

(c) The actions of consequence that resulted from those deficiencies.

11 Laboratory Report.

I. The commissioner of the department of health and human services shall, by January 1, 1986, submit a report on laboratory fees to the standing committees of the house and senate having cognizance of public health matters.

II. The report shall include the following:

(a) Specific instances where testing in the laboratory duplicates testing in the private sector and an explanation why such testing can or cannot be eliminated;

(b) A fee structure that identifies all costs associated with specific tests accomplished by the laboratory;

(c) An explanation as to the areas in which full recovery of costs is not considered practicable.

12 Cost Recovery Report.

I. The commissioner of the department of health and human services shall, by January 1, 1986, submit a report on cost recovery within the division of public health services to the standing committees of the house and senate having cognizance of public health matters.

II. The report shall include the following:

(a) Identification of all areas wherein cost recovery for services rendered is possible;

(b) Proposals for a fee system to recover all such costs; and

(c) An explanation why recovery of all such costs is not considered feasible.

13 Uniform Hospital Discharge Data System. Amend RSA 151:9 by inserting after paragraph V the following new paragraph:

VI. The commissioner of the department of health and human services shall, by January 1, 1986, adopt rules under RSA 541-A to require from hospitals such information as necessary to support the activities of the division of public health services.

14 Transfer of Duties.

I. The positions of state health officer and deputy state officer are hereby abolished under this act. All of the functions, powers, and duties of the state health officer in existence prior to the effective date of the transfers provided for in this section are hereby transferred to and vested in the director, division of public health services.

II. The transfer of the duties of the state health officer provided for in paragraph I shall include all of the personnel, books, papers, records, unexpended appropriations or other funds, and other property or obligations of every kind formerly related to this position and its duties and responsibilities set out under RSA 125:19, 125:20, and 125:21.

15 Repeal. RSA 125:19, RSA 125:20, RSA 125:21, and RSA 126-A:14 relative to the state health officer and the deputy state health officer are hereby repealed.

16 Performance Measures. Amend RSA 126-A by inserting after section 6-a the following new section:

126-A:6-b Performance Measures. The director, division of public health services shall develop performance measures for all of its major activities.

17 Reimbursement for Administrative Support. Amend RSA 125:23 as amended by striking out said section and inserting in place thereof the following:

125:23 Supervisory Powers. The director of the division shall exercise general supervision over such clerical personnel of the professional and trade licensing and registering boards within the department of health and human services, division of public health services, as work within his office. All boards within the division, unless otherwise stipulated in this chapter, shall reimburse the division for all administrative support furnished them by the division of public health services.

18 Effective Date. This act shall take effect upon its passage.

HB 240, relative to monopolistic activity. Ought to Pass with Amendment. The bill's purpose is to prevent any one individual or entity from exercising a monopolistic position in the control of general hospital beds, nursing home beds, or specialized hospital beds in the state as defined in RSA 151. The bill exempts facilities which are federally or state-owned or operated. Vote 18-0. Rep. Scott E. Green for Health and Human Services.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 New Section. Amend RSA 151 by inserting after section 2-a the following new section:

151:2-b Monopolistic Activity. No corporation, foreign or domestic; no partnership, individual, or association of such entities; and no person, or any combination of such entities, shall own, possess, or exercise control over, in any manner, more than 20 percent of hospital beds, nursing home beds, special hospital beds, or any combination of hospital beds, nursing home beds, and special hospital beds, licensed under RSA 151. Health care facilities owned, operated, or under control of the United States government, the state government, or their political subdivisions are excluded from the limitation of this section.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 36, limiting liability of donors and distributors of food. Ought to Pass with Amendment.

The Committee believes that this is a sorely needed bill that will be of great benefit to the needy in the state. The bill will help foster increased donations of food by limiting the liability of food donors. The amendment expands the definition of donor to include food banks and modifies the definition of food to make it consistent with language used in Public Health regulations. Vote 19-0. Rep. Marc Chretien for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Donors' and Distributors' Liability Limited. Amend RSA 508 by inserting after section 14 the following new section:

508:15 Donors and Distributors of Food.

I. As used in this section:

(a) "Donor" means any person, corporation, unincorporated business entity, non-profit corporation or entity which donates food or harvests food for distribution. "Donor" includes any non-profit "food bank" which shall collect, store and distribute food without charge or at a charge sufficient only to cover the cost of handling and administering such food and the distribution thereof. "Donor" includes the employees, agents, officers or volunteers working for or with any donor in connection with the giving or distribution of food.

(b) "Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption. "Food" also means food items open-dated for which the date has passed.

II. The good faith donor of any food to a needy individual or individuals or to a bona fide charitable or non-profit organization for distribution or serving by such organization without charge or at a charge sufficient only to cover the cost of handling and administering such food and the distribution thereof, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor; provided, however, that at the time of donation such food is not knowingly misbranded and is not adulterated and has not been manufactured, processed, prepared, handled or stored in violation of applicable rules of the division of public health services, or unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor.

III. A bona fide charitable or non-profit organization which in good faith receives food, apparently fit for human consumption, and distributes it without charge or at a charge sufficient only to cover the cost of handling and administering such food and the distribution thereof shall

be considered a donor under this section and shall not be subject to criminal penalty or civil damages resulting from the condition of the food; provided, however, that at the time of distribution or serving such food is not knowingly misbranded or adulterated or has not been manufactured, processed, prepared, handled or stored in violation of applicable rules of the division of public health services or, unless an injury results from the gross negligence, recklessness or intentional conduct of the organization.

IV. This section is applicable but not limited to the good faith donation of food not readily marketable due to appearance, freshness, grade, surplus, or other considerations, but does not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

2 Effective Date. This act shall take effect upon its passage.

HB 193, relative to the Rockingham county jail. Ought to Pass.

This is a housekeeping bill that brings Rockingham County into conformity with other counties, by transferring custody of the Rockingham County jail and its prisoners to the Superintendent of the Rockingham County House of Corrections. Vote 17-0. Rep. Roger C. King for Municipal and County Government.

HB 199-FN, authorizing the position of assistant county attorney for Carroll county. Ought to Pass.

This bill allows the County Attorney to hire an assistant on a retainer basis. Vote 17-0. Rep. Frank E. McIntire for Municipal and County Government.

HB 222-FN, legalizing the 1983 annual meeting of the New London Water System Precinct. Ought to Pass with Amendment.

The Committee was of the opinion this bill with amendment would be beneficial to the town of New London to cover a technical omission. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

legalizing annual meetings of the New London water system precinct and the town of New London.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New London 1984 Annual Meeting. All actions votes and proceedings of the annual meeting of the town of New London held on March 13, 1984, and March 17, 1984, respecting article 32 in the town warrant are hereby legalized, ratified and confirmed.

3 Effective Date. This act shall take effect upon its passage.

HB 236-FN, relative to town police execution in Rockingham county of orders of arrest by district courts. Inexpedient to Legislate.

This bill is reported as Inexpedient at the request of the sponsor. Vote 17-0. Rep. Henry J. Sullivan for Municipal and County Government.

HB 277-FN, permitting municipalities to abate the property tax on certain civic organizations. Inexpedient to Legislate.

Passage of this bill is not necessary as the Selectmen already have abatement authority per RSA 76:16. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 246, relative to state contract approval. Ought to Pass with Amendment. The committee met with the Associate Commissioner on 3 occasions to clarify the wording regarding procedures of contract approval and implementation of approved contracts. In no way are any of the entities ignored. Vote 20-0. Rep. James J. White for Public Works.

Amendment

Amend RSA 228:4-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. If the commissioner decides that the bid of the lowest bidder should be accepted, he shall promptly transmit to the governor and council his request that the award of the contract to the lowest bidder be approved, subject to approval of the attorney general and the department of administrative services. The commissioner shall prepare and execute a contract in the name of the state and shall forward it to the lowest bidder for execution. The executed contract shall be submitted for approval by the attorney general as to form and execution and by the commissioner of the department of administrative services as to the availability of funds. The executed and approved contract shall then be forwarded to the secretary of state who shall certify that the award of the contract has been approved by the governor and council. Following certification by the secretary of state, it shall become a valid contract of the state.

HB 254-FN, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. Ought to Pass.

This bill increases the rate of reimbursement from the Highway Fund to the towns of Colebrook and Stewartstown from \$1,000 and \$1,500 per mile per season. The Department of Public Works and Highways has justified this increase of \$2,165 per season for the entire road. Vote 19-0. Rep. Beaton Marsh for Public Works.

HB 255-FN, to make the state barrier free code no more restrictive than the federal requirements. Refer for Interim Study.

The Committee's deliberation focused on the central main issue, is New Hampshire's barrier free handicapped code meritorious for all government bodies: federal, state, county, city and towns. The Committee's fairest determination is to bring together all concerned groups and subsequently make a recommendation at a later date. Vote 20-0. Rep. James J. White for Public Works.

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington. Ought to Pass.

The Committee feels this is a worthwhile project in that it restores and rehabilitates an important historical facility that is distinctively part of New Hampshire. Vote 20-0. Rep. Charles M. Nute for Public Works.

Referred to Appropriations.

HB 248, relative to the community development block grant program. Ought to Pass.

House Bill 248 repeals an obsolete section of RSA 4:12 no longer needed and it changes the lead time for posting notice of public hearing to the usual ten day period. Vote 16-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HCR 5, honoring the New Hampshire state parks' fiftieth anniversary and the first park system director, Russell B. Tobey. Ought to Pass with Amendment.

This resolution recognizes the fiftieth anniversary of New Hampshire State Park System and honors its first director, Russell B. Tobey by naming the Nature Center at Odiorne Point State Park: "The Russell B. Tobey Visitors Center." Vote 17-0. Rep. Irene M. Messier for Resources, Recreation and Development.

Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

WHEREAS, the New Hampshire state park system will be 50 years old on April 1, 1985, and

WHEREAS, the park system contributes significantly to the overall beauty of the state and this beauty should be protected and maintained, and

WHEREAS, the park system contributes immeasurably to the tourist economy of the state, and

WHEREAS, first park system director, Russell B. Tobey, served in that capacity for 36 years of the system's 50 years, and

WHEREAS, the vision and dedication of Director Tobey is widely recognized in New Hampshire and beyond the state's borders as having been in the highest tradition of the parks and recreation profession, now therefore, be it

RESOLVED, by the House of Representatives, the Senate concurring:

That the New Hampshire general court recognizes the fiftieth anniversary of the New Hampshire state park system and hereby honors the memory of Russell B. Tobey by naming the nature center at Odiorne Point state park, "The Russell B. Tobey Visitors Center."

HB 9, relative to the eminent domain powers of housing authorities. Refer for Interim Study.

It is the unanimous consensus of the Committee that this bill be placed in interim study. This bill has raised a significant number of questions and issues vis-a-vis the manner in which future growth will occur in New Hampshire. Time is essential if we are to ensure that this bill, or an amended version thereof, will protect two ostensibly competing values - the need for land for industrial growth versus the need to maintain and protect our agricultural land base and open space. Vote 18-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

HB 238, providing that certain emergency vehicles be exempt from length and weight requirements. Ought to Pass.

This bill adds fire department emergency equipment to the list of vehicles exempted from length and weight requirements imposed under RSA 166. Vote 9-0. Rep. Edward J. Crotty for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 80, relative to the health insurance reimbursement agreements. Ought to Pass with Amendment.

House Bill 80 allows insurers to negotiate and enter into agreements for alternative rates of payment with health care providers. This type of agreement will provide the consumer with another choice for health care cost reimbursement. The Committee amendment ensures that health service corporations, as defined in RSA 420-A, can enter into such agreements and further ensures that both the objectives of such agreements and the best interests of the consumer are upheld. Vote 22-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 420-B the following new chapter:

CHAPTER 420-C ACCIDENT AND SICKNESS INSURANCE-REIMBURSEMENT AGREEMENTS

420-C:1 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Health care services" means physician, hospitalization, laboratory, x-ray service, and medical equipment and supplies, which may include, but are not limited to: medical, surgical, and dental care; psychological, obstetrical, osteopathic, optometric, optic, podiatric, chiropractic, nursing, physical therapy, and pharmaceutical services; health education; preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services, extended care, nursing home care, convalescent institutional care, laboratory and ambulance services, appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease, correction of defects, or the maintenance of the physical and mental well-being of the insured.

III. "Insured" means an individual entitled to reimbursement for expenses of health care services under a policy issued or administered by an insurer.

IV. "Insurer" means an insurance company, including nonprofit (tax exempt) health service corporations as defined in RSA 420-A, authorized in this state to issue policies that provide reimbursement for expenses of health care services.

V. "Preferred provider" means providers of health care services who agree to furnish services in a manner reasonably expected to contain or lower costs by contracting with insurers and participants in insurance arrangements or an insurer or participant organized as a provider of health services providing such services under a preferred provider contract.

VI. "Provider" means any physician, hospital or other institution, organization, or other person who furnishes health care services.

420-C:2 Reimbursement Agreements.

I. An insurer may:

(a) enter into agreements with providers relating to terms and conditions of reimbursement for health care services that may be rendered to insureds of the insurer, including agreements relating to the amounts to be charged the insured for services rendered or the terms and conditions for activities intended to reduce inappropriate care;

(b) issue or administer policies in this state that include incentives for the insured to utilize the services of a provider who has entered into an agreement with the insurer under subparagraph (a); and

(c) issue or administer policies in this state that provide for reimbursement for expenses of health care services only if the services have been rendered by a provider who has entered into an agreement with the insurer under subparagraph (a).

II. Before entering into any agreement under paragraph I(a) an insurer shall establish terms and conditions that must be met by providers wishing to enter into an agreement with the insurer under paragraph I(a). These terms and conditions may not unreasonably discriminate against or among providers. For purposes of this

chapter, neither differences in prices among hospitals or other institutional providers produced by a process of individual negotiation nor price differences among other providers in different geographical areas in different specialties shall constitute unreasonable discrimination.

III. No hospital, physician, pharmacist, or other provider willing to meet the terms and conditions offered to it by an insurer may be denied the right to enter into an agreement under paragraph I(a).

IV. In no event may an insurer deny or limit reimbursement to an insured under this chapter on the grounds that the insured was not referred to the provider by a person acting on behalf of or under an agreement with the insurer. This paragraph shall also apply to all emergency situations.

V. Insurers and participants in insurance arrangements shall provide for payment for services rendered by non-preferred providers or providers who have not negotiated a contract with the insurer or participants in the insurance arrangement. Insureds under an insurance arrangement shall use the preferred providers who have contracted with the group to obtain coverage under the plan at the least direct expense to the insured. Insureds selecting nonpreferred providers may be held financially responsible for the difference between the benefit available under a preferred provider agreement and the charges of the nonpreferred provider and may be subject to larger coinsurance or deductible provisions.

VI. Notwithstanding the provisions of this chapter, second opinions from providers are in no way limited.

420-C:3 Availability of Health Care Services. Policies issued under 420-C:2, I(c) of this chapter may not contain terms or conditions that would operate unreasonably to restrict the accessibility and availability of health care services for the insured.

420-C:4 Rulemaking. The commissioner of insurance shall adopt rules under RSA 541-A binding upon insurers, prescribing reasonable standards relating to the accessibility and availability of health care services for persons insured under policies described in 420-C:2, I(c).

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 105-FN, relative to sunset review of general services and administration. Ought to Pass with Amendment.

This legislation under sunset renews the administrative functions of the New Hampshire Banking Department. The amendment eliminates the Bank Advisory Board, strengthens several sections of rule making, removes the Commissioner from the Board of the Municipal Bond Bank and removes a conflict when the Commissioner votes as a member of the New Hampshire Retirement Board. Vote 18-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Rulemaking; Retail Installment Sales of Motor Vehicles. Amend RSA 361-A:2 by inserting after paragraph V the following new paragraph:

VI. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to licensing under this section.

4 Commissioner's Duties. Amend RSA 383:9 as amended by striking out said section and inserting in place thereof the following:

383:9 Duties.

I. The commissioner shall have general supervision of all banks (except national banks), trust companies, building and loan associations, credit unions, Morris plan banks, small loan companies, and other similar institutions in the state. He shall examine into the condition and management of all such institutions at least every 18 months with the exception of highly rated institutions provided for in RSA 383:9-d, and more often when necessary in his judgment or when so directed by the governor. He may regulate the buying or selling of securities by savings banks for officers, employees, or customers. He shall assign to the deputy commissioner and the assistants appointed under RSA 383:7 such of his duties as he sees fit.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the duties assigned him by paragraph I.

5 Examinations of Highly Rated Banking Institutions. Amend RSA 383 by inserting after section 9-c the following new section:

383:9-d Examination of Highly Rated Institutions. The bank commissioner may, at his discretion, waive one 18-month examination requirement under RSA 383:9 every 6 years for banks which have consistently been given high ratings in past examinations. The commissioner may also substitute for an 18-month examination once every 6 years a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks. Within any 6 year period in which 4 18-month examinations are required under RSA 383:9, the commissioner may for highly rated institutions:

I. waive one examination; and

II. substitute for one examination a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks; and

III. perform 2 examinations as required by 383:9.

6 Qualifications for Bank Examiners; Consumer Complaints. Amend RSA 383 by inserting after section 10-b the following new sections:

383:10-c Qualifications of Bank Examiners.

I. In the job description for bank examiners, the commissioner shall set out requirements relative to computer skills and data processing which job applicants shall meet.

II. The commissioner shall develop a formal written policy prohibiting bank commission examiners from performing outside work for bank directors, officers, or trustees or for banks, bank holding companies, nonbanks and near-banks.

383:10-d Consumer Complaints. The commissioner shall report all consumer complaints by depositors to the consumer protection division of the office of the attorney general for record keeping and control purposes. The commissioner shall investigate the complaints. When the complaint is resolved or the investigation is concluded without resolution, the commissioner shall send a report of his investigation, including findings of fact, to the consumer protection division.

7 Rulemaking; Bank Reports. Amend RSA 383:13 as amended by striking out said section and inserting in place thereof the following:

383:13 Bank Reports.

I. The treasurers of all institutions under the supervision of the commissioner shall balance their books at the close of business on the last business day in December in each year, and within 30 calendar days thereafter shall make reports to the commissioner, upon blanks furnished by him, showing the true conditions of the institutions at that time. The commissioner shall prescribe what information the reports shall contain and their form, and shall seasonably furnish blanks upon which they shall be made. Any institution which neglects to make said report within the time prescribed in this section shall forfeit to the state \$25 for each day during which such neglect continues.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to information requirements and forms for bank reports.

8 Rulemaking; Protection or Indemnity. Amend RSA 383:14 as amended by striking out said section and inserting in place thereof the following:

383:14 Protection.

I. The commissioner shall require each institution under his supervision to provide for the reasonable protection or indemnity of such institution against losses from such dishonest or criminal acts as he may determine. The insurance commissioner shall determine whether the form of any document offered for such purpose by any such institution complies with the requirements of the bank commissioner. Any institution dissatisfied with any requirements of the bank commissioner under the provisions of this section may appeal the decision within 20 days of notice of the decision to a board of appeal who shall be the bank commissioner, the insurance commissioner, and the attorney general or, in his absence, the assistant attorney general. The decision of such board made after notice and hearing shall be final. The directors or trustees of any such institution may provide for the protection or indemnity of an institution in addition to that required under this section.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the protection or indemnity requirements of paragraph I.

9 Cross-Reference; Powers and Inconsistent Charter Provisions. Amend RSA 386:1-a (supp) as inserted by 1967, 7:1 as amended by striking out said section and inserting in place thereof the following:

386:1-a Powers and Inconsistent Charter Provisions. Each savings bank and each association shall have all the powers conferred upon savings banks by the general statutes and rules adopted thereunder and shall have, in addition, all the powers conferred upon trust and banking companies by the general statutes and rules adopted thereunder, subject to all the duties and restrictions contained in such general statutes and rules. The provisions of such general statutes and rules shall prevail over any inconsistent charter provision of any savings bank or association.

10 Rulemaking Provisions Relative to Savings Banks Consolidated. Amend RSA 386 by inserting after 386:1-a the following new section:

386:1-b Rulemaking. The bank commissioner shall adopt rules, under RSA 541-A, relative to:

I. The construction, reconciliation and integration of laws applicable to savings banks, associations, and trust and banking companies to effectuate the purposes of RSA 386:1-a.

II. The records and accounts required by RSA 386:2.

III. The process for conducting verifications under RSA 386:21.

IV. The sale of negotiable checks and drafts under RSA 386:34.

V. The eligibility of securities to be pledged in accordance with the powers granted by RSA 386:57, and limitations on the aggregate amount of securities which may be so pledged in accordance with RSA 386:57.

11 Cross Reference; Security for Certain Deposits of Public Funds. Amend RSA 386:57 as inserted by 1979, 165:1 by striking out said section and inserting in place thereof the following:

386:57 Security for Certain Deposits of Public Funds. Savings and cooperative banks have the power to pledge securities to secure deposits of public funds by the state or any of its officers, agencies or instrumentalities, or by any of the political subdivisions of the state or their officers, agencies or instrumentalities. In lieu of such collateralization, savings and cooperative banks are authorized to secure such public deposits by surety bonds and to pledge securities to the surety in connection therewith. Any such deposit of public funds in a savings or cooperative bank may be evidenced by an agreement in such form and upon such terms and conditions as may be agreed upon by the depositing public authority and the savings or cooperative bank. The bank commissioner may by rule limit the aggregate amount of securities which may be pledged by savings and cooperative banks consistent with safe and sound banking, based upon the adequacy of the surplus of such institution and other criteria deemed pertinent by him.

12 Rulemaking, Petitions for Incorporation by Savings Banks. Amend RSA 386-A:4 as inserted by 1965, 279:1 as amended by striking out said section and inserting in place thereof the following:
386-A:4 Petition.

I. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of \$750, payable to the bank commissioner, shall be paid when the petition is filed and may be used to defray the expenses of the proceedings on the petition, any remaining balance to be paid to the state treasury for the credit of the bank commissioner. The bank commissioner shall examine each petition and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he considers expedient, for the purpose of more fully informing the board. Said board may, upon request of any interested person or corporation or at its own discretion, order a public hearing, or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the petition required by paragraph I.

13 Rulemaking, Conversion to and from Federal Charter. Amend RSA 389-A:5, II by striking out in lines 11 and 12 the words "may provide, by regulation" and inserting in place thereof the following (shall adopt rules, pursuant to RSA 541-A) so that said paragraph as amended shall read as follows:

II. Any federal savings and loan association doing business in this state may convert itself into a mutual savings bank created under the laws of this state, in accordance with the procedure prescribed for conversion of federal savings and loan associations into building and loan associations in RSA 393:50-54, inclusive, and for this purpose shall have all the rights, powers and privileges granted to converting federal savings and loan associations under these sections; provided however, that the form of the articles of agreement required by RSA 393:51 shall conform to the provisions of RSA 386-A insofar as applicable; that the provisions of RSA 386-A and all other general laws relating to savings banks shall apply to the converted institutions; and that the bank commissioner shall adopt rules pursuant to RSA 541-A, for the procedure to be followed by any such converting institution.

14 Rulemaking, Regulation of Trust and Banking Companies. Amend RSA 390 by inserting after section 11 the following new section:

390:11-a Rulemaking. The bank commissioner shall adopt rules, under RSA 541-A, relative to:

I. The reserves required by RSA 390:6.

II. The reports required by RSA 390:11.

III. The deposit of securities by trust companies and banks under RSA 390:18-a.

15 Rulemaking, Building and Loan Associations. Amend RSA 393 by inserting after section 13 the following new section:

393:13-a Rulemaking. The bank commissioner shall adopt rules, under RSA 541-A, relative to:

I. The requirements of RSA 393:15-a regarding unsecured loans.

II. The books which the commissioner is authorized to prescribe under RSA 393:43.

III. The procedure for conversions under RSA 393:53.

IV. Mergers and consolidations under RSA 393:55. 16 Cross Reference, Rulemaking for Conversions. Amend RSA 393:53 by striking out said section and inserting in place thereof the following:

393:53 Rulemaking. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to the procedure to be followed by any such federal savings and loan association converting into a state building and loan association or cooperative bank under this subdivision.

17 Rulemaking, Powers of Corresponding Federally Chartered Financial Institutions. Amend RSA 394-A:10 (supp) as inserted by 1983, 369:16 by striking out said section and inserting in place thereof the following:

394-A:10 Stock Conversions. As part of the authority granted under this chapter, the commissioner shall adopt rules, pursuant to RSA 541-A, permitting the conversion of mutual banks and association to stock form.

18 Rulemaking, Credit Unions. Amend RSA 394-B by inserting after section 3 the following new section:

394-B:3-a Rulemaking. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The supervision of credit unions under RSA 394-B:3.

II. Credit union corporation agreements under RSA 394-B:4.

III. The purchase of real estate by credit unions under RSA 394-B:27.

IV. The provisions of RSA 394-B:38 relative to borrowing.

V. The preliminary audit required by RSA 394-B:41.

VI. The purposes of corporate credit unions under RSA 394-B:57.

VII. The powers of corporate credit unions granted by RSA 394-B:62.

VIII. The equity reserves of corporate credit unions required by RSA 394-B:67.

19 Penalty. Amend RSA 397:5 as amended by striking out said section and inserting in place thereof the following:

397:5 Penalty for Violation of Rules. Whenever the commissioner shall make any order hereunder, he shall adopt rules, pursuant to RSA 541-A, for the protection of any bank or banks subject thereto or the depositors thereof, and any person violating any provision of such a rule shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

20 Rulemaking, Second Mortgage Home Loans. Amend RSA 398-A:13 as inserted by 1981, 218:2 by striking out said section and inserting in place thereof the following:

398-A:13 Rulemaking Authority. The bank commissioner shall adopt rules, pursuant to RSA 541-A, consistent with the provisions of this chapter and, in particular, relative to:

I. The application forms for licenses under RSA 398-A:1-a.

II. The reports required by RSA 398-A:1-e.

21 Rulemaking, Small Loans. Amend RSA 399-A:26 as inserted by 1981, 242:10 by striking out said section and inserting in place thereof the following:

399-A:26 Rulemaking Authority. The commissioner shall adopt rules, pursuant to RSA 541-A, consistent with the provisions of this chapter, and, in particular, relative to:

I. The license application forms and fees required by RSA 399-A:12.

II. The reports required by RSA 399-A:21, III.

22 Rulemaking, Debt Adjusters. Amend RSA 399-D:14 as inserted by 1969, 502:1 by striking out said section and inserting in place thereof the following:

399-D:14 Rulemaking. The commissioner shall, pursuant to RSA 541-A, adopt such rules as he deems necessary to administer and enforce the provisions of this chapter.

23 Commissioner No Longer Required to be Member of Municipal Bond Bank. Amend RSA 35-A:4, II (supp) as inserted by 1977, 491:1 by striking out said paragraph and inserting in place thereof the following:

II. The bank shall consist of 5 directors. The state treasurer shall be an ex officio member without further appointment. Four directors shall be appointed by the governor and council for terms of 5 years each. Vacancies shall be filled for the unexpired term. Each director shall hold office until his successor has been appointed and qualified.

24 Bank Commissioner; Ex Officio Member of New Hampshire Retirement System Board of Trustees. Amend RSA 100-A:14, I (supp) as inserted by 1967, 134:1 as amended by striking out in line 2 the words "The bank commissioner shall be an ex officio member of the board" and inserting in place thereof the following (The bank commissioner shall be an ex officio voting member of the board, but shall abstain from voting on the placement of funds in New Hampshire banks.) so that said paragraph as amended shall read as follows:

I. The administration of this system is vested in a board of 11 trustees. The bank commissioner shall be an ex officio voting member of the board but shall abstain from voting on the placement of funds in New Hampshire banks. The governor and council shall appoint 2 trustees, to be known as non-member trustees, who shall be qualified persons with business experience and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified, except that the original appointment of one of the non-member trustees shall be for a

term of one year. The remaining 8 members of the board shall consist of 2 employees, 2 teachers, 2 permanent policemen, and 2 permanent firemen. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, or one of the 4 predecessor systems, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From each of the above named panels the governor and council shall originally appoint 2 persons, and thereafter one annually to the board. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years, except that the original appointments of one of the persons from each panel shall be for a term of one year. Each member so appointed shall hold office until his successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term from the same panel from which the former member was appointed. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees. The chairman and the 4 group I members shall constitute one subcommittee and the chairman and the 4 group II members shall constitute another subcommittee. Each subcommittee shall, relative to the members of their respective group, consider policy problems and make recommendations relative to the same to the board of trustees and make recommendations to the board of trustees concerning applications under the provisions of 100-A:6. For the purposes of transacting any business, 4 members of a subcommittee shall constitute a quorum.

25 Repeal. The following are hereby repealed:

I. RSA 383:19, relative to the establishment of the advisory board.

II. RSA 383:20, relative to the appointments and terms of members of the advisory board.

III. RSA 383:21, relative to compensation of the advisory board.

26 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 144-FN, relative to sunset review of the New Hampshire municipal bond bank. Ought to Pass with Amendment.

The bill embodies the recommendations made by the Sunset Committee. It provides an overall bond-issuing and data-based debt management information system. It removes the Banking Commissioner from the Municipal Bond Bank. It clarifies the process of replenishing the Municipal Bond Bank reserve fund. It strengthens long-range planning and marketing activities. Vote 22-0. Reps. Eugene E. Pantzer and Toni Pappas for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Municipal Bond Bank Directors. Amend RSA 35-A:4, II (supp) as inserted by 1977, 491:1 by striking out said paragraph and inserting in place thereof the following:

II. The bank shall consist of 5 directors. The state treasurer shall be an ex officio member without further appointment. Four directors shall be appointed by the governor and council for terms of 5 years each. Of these 4 directors, one shall be a designee of the New Hampshire Municipal Association. At least 2 of the appointed directors shall have backgrounds in public finance. Vacancies shall be filled for the unexpired term. Each director shall hold office until his successor has been appointed and qualified.

4 Municipal Bond Bank Requests for Appropriations. Amend RSA 35-A:12, I (supp) as inserted by 1977, 491:1 by striking out said paragraph and inserting in place thereof the following:

I. To assure the continued operation and solvency of the bank for the carrying out of its corporate purposes, the chairman of the bank shall, not later than the twentieth legislative day of each session of the general court, submit to the chairman of the house appropriations committee a written request for an appropriation for the sum, if any, required to insure that the bond reserve fund established under RSA 35-A:11 equals the bond reserve fund requirement therefor. The chairman of the house appropriations committee shall process the request for legislative action. All sums appropriated by the general court, if any, paid to the bank pursuant to this section shall be deposited by the bank in the said bond reserve fund.

5 Management Information system. It is the intent of the general court that data processing and information management systems be reviewed to conserve expensive data processing resources and eliminate the maintenance of outdated and duplicative data or data which is of marginal importance. It is also the intent of the general court that the shared informational needs of various related agencies be addressed in the most efficient integrated manner possible. Therefore, the bank is directed to conduct a review of its immediate and long-range informational needs.

I. The bank shall conduct an analysis of its existing data bases and information systems to:

(a) identify all of the individual data elements being maintained by the bank in its various manual and automated data bases;

(b) develop an itemized statement of those data elements which are mandated by either state or federal requirements;

(c) identify the official sources of all data elements;

(d) determine the relative frequency with which data is collected;

(e) determine the number of separate forms involved in the collection of data; and

(f) conduct an inventory of external and internal reports currently being generated by the system, and prepare a list of report users.

II. Based upon the information obtained through its review, the bank shall:

(a) determine the relative usefulness of various data elements and reports;

(b) identify those state and federal reporting formats and schedules which can be modified to provide for more efficient collection and storage of essential data; and

(c) identify state and local agencies and any other organization which are official sources of the information necessary for bank decision making.

III. In addition, the bank shall identify the specific inquiries which it expects an integrated management information system to address.

IV. The bank shall, by January 1, 1986, submit the results of its data processing study to the standing committees of the house and senate having jurisdiction over matters relating to its operation. Said report shall include the following:

(a) The bank's plan for implementing an integrated management information system for collecting, processing and analyzing information, and accessing and exchanging data and information with other users including the state treasury department and the department of revenue administration.

(b) A 2 year plan for informing the state's political subdivisions of the bank's services and the advantages of using the bank; expanding promotional and local technical assistance functions; exploring alternative incentives to attract borrowers that have credit ratings equal to or better than its own; and requiring local finance officers and elected officials to assess their jurisdiction's debt position and debt management practices annually.

(c) Specific recommendations for legislative action to ensure the timely and efficient flow of information between the state's political subdivisions and the bank and related state agencies.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 201-FN, relative to interstate bank acquisition. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: Interstate banking will strengthen the banking institutions which this Legislature regulates. It is a modest entry into interstate banking, which will bring capital, jobs and new services at competitive prices for our people. The amendment strengthens the Attorney General's and Bank Commissioner's controls over state and federal banks, while insuring the preservation of our strong, local

banks. The bill has solid support from business and consumer groups in New Hampshire. Vote 15-7. Rep. Conrad Quimby for Commerce, Small Business and Consumer Affairs.

MINORITY: The minority of the Committee feels that after two years of study, this bill has not given New Hampshire people the protection they need, if out-of-state banks buy New Hampshire banks. It specifically addresses the desires of major bank stockholders to sell their holdings at the highest possible price. The minority further feels that what little benefit to the consumer contained in the original form of the bill has been deleted and this bill can now be seen as one which is truly a special interest measure. The minority does not subscribe to the thin arguments that interstate banking is "inevitable" and surely puts no credence in the contention that New Hampshire is falling behind the other states and must "catch up." In fact, in the last two years New Hampshire has experienced explosive growth! Irreversible consequences of this bill will not allow the Legislature to correct the damage this bill might cause. (Reps. A. Leslie Burns, Tom Longworth, B. P. Smith, Bonnie B. Packard and Edward J. Allgeyer for the Minority.)

Rep. Leslie Burns moved that the report of the Minority, inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to her motion.

Reps. Crory, Sara Townsend, Scamman and Quimby spoke against the motion and yielded to questions.

Reps. Bonnie Packard, Chretien, Vaughn, Holbrook, B. P. Smith, Daniell, Longworth, Kidder and Dexter spoke in favor of the motion.

Reps. Chambers and Hayes spoke against the motion.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Leslie Burns requested a roll call. Sufficiently seconded.

Reps. Mary Sullivan, Norman Packard and Parker abstained from voting under Rule 16.

(Speaker presiding)

YEAS 262 NAYS 110

YEAS 262

BELKNAP: Birch, Bolduc, Brough, Brown, Richard Campbell, Dexter, Golden, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell, McIntire, Olimpio and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Delano, Frink, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Perry, Ridge, William Riley, Russell, Secord and Thompson.

COOS: Brideau, Chappell, Coulombe, Frederic Foss, Lamontagne, Marsh, Mayhew, Ottolini and York.

GRAFTON: Bennett, Blair, Driscoll, Duggan, Easton, McAvoy, Stewart, Taffe, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: August, Barry, Bass, Beaupre, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Chagnon, Charron, Chretien, Clancy, Cote, Cox, Cronin, Ducharme, Duperron, Dupont, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Marian Harrington, Hendrick, Herod, Holden, Humphrey, Hyman, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nute, Bonnie Packard, Paquette, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Stonner, Sylvia, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Worthen.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Daniell, Gilbreth, George Gordon, Alf Jacobson, Jelley, C. William Johnson, Kidder, Arthur Locke, Nichols, Pannell, Phelps, Rehlander, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard and Gerald R. Smith.

ROCKINGHAM: Ames, Bangs, Benton, Blanchard, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Magoon, Robert Mason, McCain, Benjamin Moore, Newell, Newman, Pantelakos, Pevear, Popov, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schwane, Seward, Sherburne, Simon, Skinner, Sytek, Titone, Tufts, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Callahan, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Keans, Kincaid, Laurion, Lussier, Musler, Bruce Packard, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Domini, Ingram, Paul Johnson, McKee, Normandin, Rodeschin, Schotanus and Spaulding.

NAYS 110

BELKNAP: Bowler, Hardy, Malcolm Harrington and Randall.

CARROLL: Robert Holmes, Kenneth MacDonald and Saunders.

CHESHIRE: Daniel Eaton, Kohl, Matson, Ramsay, Schwartz, Scranton and William Sullivan.

COOS: Brungot, Harold Burns, Chardon, Guay, Horton and Theriault.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan and Walter.

HILLSBOROUGH: Ahrens, Arnold, Bernier, Carragher, Champagne, Crotty, Donovan, Durant, Dykstra, Scott Green, Grip, Healy, Hogan, Chris Jacobson, Lamy, Martin, Howard Mason, Nelson, Newcombe, O'Rourke, Pappas, Paradis, Philip Rodgers, Sallada, Steiner, Tamposi, Turgeon, Van Loan, Varkas, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: James Chandler, Connolly, Fraser, Gross, Hager, Hayes, Pantzer, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: William Boucher, Day, Beverly Gage, Elizabeth Greene, Kane, Joseph MacDonald, Malcolm, McKinney, Nagel, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Sloan, Sochalski, Splaine and Vartanian.

STRAFFORD: Bates, Bryant, Burton, Chamberlin, Diamant, Dingle, Robert Jones, Meader, O'Brien and Francis Robinson.

SULLIVAN: Call, Disnard, Lindblade and Sara Townsend, and the motion was adopted.

Resolution adopted.

Rep. Doris Riley notified the Clerk that she wished to be recorded against HB 201.

Rep. Krasker notified the Clerk that she wished to be recorded in favor of HB 201.

Rep. Newman moved that HB 201 be Indefinitely Postponed.
Adopted.

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it Indefinitely Postponed HB 201.

Reconsideration lost.

CACR 8, relating to approving proposed amendments to the constitution. Providing that the popular vote required to approve a proposal to amend the constitution be reduced from 2/3 to 3/5 of the qualified voters voting on the proposal. Inexpedient to Legislate.

The Committee felt that the Constitution needed all the insulation it can get.

Vote 13-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Report adopted.

HB 73, preventing cruelty to live vertebrate animals in elementary and secondary school science classes and science fairs. Ought to Pass with Amendment.

The bill, as amended, prohibits dissection and other experimentation on live animals by high school and elementary school students. Certain

observational studies of normal living patterns are permitted and an exception is made for procedures taught in animal husbandry courses. The committee felt that live animal experiments are inhumane and unnecessary for this age group. Vote 17-0. Rep. Donnalee Lozeau for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Certain Animal Uses Prohibited.

Amend RSA 644 by inserting after section 8-b the following new section:

644:8-c Animal Use in Science Classes and Science Fairs.

I. In this section:

(a) "Animal" means any member of the kingdom of Animalia.

(b) "Vertebrate animal" means any animal belonging to the subphylum Vertebrata of the phylum Chordata, and specifically includes all mammals, fishes, birds, reptiles and amphibians.

II. Live vertebrate animals shall not be used in experiments or observational studies, with the following exceptions:

(a) Observational studies may be made of the normal living patterns of wild animals, in the free living state or in zoological parks, gardens, or aquaria.

(b) Observational studies may be made of the living patterns of vertebrate animals in the classroom.

(c) Observational studies on bird egg embryos are permitted. However, if normal bird embryos are to be allowed to hatch, satisfactory humane consideration shall be made for disposal of the baby birds.

(d) Vertebrate animal cells, such as red blood cells or other tissue cells, plasma or serum, or anatomical specimens, such as organs, tissues, or skeletons, may be used in experiments or observational studies.

III. No school principal, administrator or teacher shall allow any live vertebrate animal to be used in any elementary or secondary school, or in any activity associated with such school, such as science fairs, as part of a scientific experiment or procedure in which the health of the animal is interfered with, or in which pain, suffering, or distress is caused. Such experiments and procedures include, but are not limited to, surgery, anesthetization, and the inducement by any means of painful, lethal, or pathological conditions through techniques that include, but are not limited to:

(a) administration of drugs;
(b) exposure to pathogens, ionizing radiation, carcinogens, or to toxic or hazardous substances;

(c) deprivation; or

(d) electric shock or other distressing stimuli.

IV. All experiments on live vertebrate animals which are not prohibited by this section shall be carried out under the supervision of a competent science

teacher who shall be responsible for ensuring that the student has the necessary comprehension for the study to be undertaken.

V. No person shall, in the presence of a pupil in any elementary or secondary school, perform any of the procedures or experiments described in paragraph III or exhibit any vertebrate animal that has been used in such manner. Dissection of any dead animal, or portions thereof, shall be confined to the presence of students engaged in the study to be promoted by the dissections.

VI. Science fair projects originating in other states that do not conform with the provisions of this section shall not be exhibited within the state.

VII. Any live animal kept in any elementary or secondary school shall be housed and cared for in a humane and safe manner and shall be the personal responsibility of the teacher or other adult supervisor of the project or study.

VIII. Ordinary agricultural procedures taught in animal husbandry courses shall not be prohibited by this section.

IX. Any person who violates this section is guilty of a misdemeanor.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 164, relative to driving while intoxicated by persons under the drinking age. Inexpedient to Legislate.

This bill provides for additional penalties for persons convicted of driving while intoxicated offenses who are under the legal drinking age. For a first offense, the person's driver's license or driving privilege shall be revoked for one year in addition to any other period of revocation. For a second or subsequent offense, the person's license or driving privilege shall be revoked for an additional 4 years. The Committee believes that imposing such a severe and mandatory penalty on one group is arbitrary and discriminatory. Vote 13-3. Rep. Marc Chretien for Judiciary.

Resolution adopted.

HB1 2001, relating to the establishment of a state tourism policy. Refer for Interim Study.

The Committee believes that the United States Travel and Tourism Administration has provided a model state tourism policy act, and that further study of the act would be in the best interest of the state. Vote 16-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Report adopted.

HB 200, making an appropriation for capital improvements. Ought to Pass with Amendment.

This bill adjusts the shortfalls and needs of state government for the rest of the biennium. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the department, agencies, and branches named:

I. Liquor commission		
Data processing equipment	<u>\$ 453,604*</u>	
Total paragraph I		\$ 453,604
II. Department of postsecondary vocational-technical education		
Renovation of Earl Little building	<u>\$ 850,000</u>	
Total appropriation paragraph II		\$ 850,000
III. Water resources board		
Sugar river watershed,		
site C-9	\$ 425,000	
Less federal	<u>-250,000</u>	
Total appropriation paragraph III		\$ 175,000
Total state appropriation section 1		<u>\$1,478,604</u>
*To be 5 year bonds		

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. University of New Hampshire		
Barton Hall addition	<u>\$2,340,000</u>	
Total paragraph I		\$2,340,000
II. Plymouth State College		
Implementation of energy		
measures - Phase II	<u>\$ 804,000</u>	

Total paragraph II \$ 804,000

III. New Hampshire public television		
A. State-wide program distribution	\$ 629,000	
B. Production and office facility	<u>766,667</u>	
Total Paragraph III		<u>\$1,395,667</u>
Total state appropriation section 2		<u>\$4,539,667</u>

3 Expenditures; General. The appropriation made for the purposes mentioned in section 1 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

4 Expenditures; University System.

I. The appropriations made for the purposes mentioned in section 2 of this act and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is

recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II.(a) The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

(b) If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

(c) The board of trustees of the university system has the right to reject any and all bids; and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university system. If only one bid is received, the board of trustees may

negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

(d) The appropriation made in section 2, III, A for New Hampshire public television shall not be expended, encumbered or obligated in any way without the approval of the capital budget overview committee.

5 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,018,271 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purposes of paragraph I of section 1 of this act shall have a maturity of 5 years from the date of issue.

II. No bonds authorized in this section, or expenditure warrants relating to the production and office facility only, shall be issued except upon governor and council approval and until New Hampshire public television certifies to the governor and council that it has raised and can account for \$1,533,333 or more in gifts, grants, donations, or pledges from sources other than the state, to be used as 2/3 of the \$2,300,000 construction cost of the new production and office facility.

6 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 of this act shall be made when due from the general funds of the state, except as provided in section 7 of this act.

7 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of paragraphs I and II of section 2 of this act. However, the payment of principal and interest on bonds and notes issued for the purposes of paragraph III of section 2 of this act shall be made when due from the general funds of the state in the first instance and the state treasurer shall be reimbursed forthwith from New Hampshire public television for all such payments.

8 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section 1 of this act beyond the estimated amounts. The net appropriation of state funds for any project

for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in section 1 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source.

10 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by section 1 of this act is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

11 Land Acquisition. Any land acquired under the appropriations made in sections 1, except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

12 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements, and energy conservation code requirements.

13 New Hampshire Hospital; Increase Funds. Amend 1983, 423:1, IV, B by striking out said subparagraph and inserting in place thereof the following:

B. New Hampshire hospital design plans and working drawings for a new psychiatric facility \$1,545,000

14 Paragraph Total Amended. Amend 1983, 423:1, IV by striking out the paragraph IV total and inserting in place thereof the following:

Total paragraph IV \$1,889,000

15 Section Total Amended. Amend 1983, 423:1 by striking out the section 1 total and inserting in place thereof the following:

Total state appropriation section one \$19,602,600

16 Seacoast Substation. Amend 1983, 423:3, I, A by striking out said subparagraph and inserting in place thereof the following:

A. Seacoast motor vehicle
sub-station \$ 414,745

17 Paragraph Total Increased. Amend 1983, 423:3, I by striking out the total paragraph I and inserting in place thereof the following:

Total paragraph I \$ 434,745

18 Total Appropriation Increased. Amend 1983, 423:3 by striking out the total state appropriation and inserting in place thereof the following:

Total state appropriation
section 3 \$ 2,232,745

19 Bonding Authority Increased. Amend 1983, 423:8 by striking out in line 4 the number "\$21,348,600" and inserting in place thereof the following (\$22,237,345) so that said section as amended shall read as follows:

423:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,237,345 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for section 1, I, B; II, E; III, B, C, D, E(1), (2), and (4), F, G; IV, A(4); VI, A-D, and F; VII, B; X, A-J; section 3, I, B; II, D and E; section 4, I, A-C; shall have a maturity of 5 years from the date of issue.

20 Lapse Date Extended. The appropriations made by 1983, 423:1, X and by 1981, 565:20, V as amended by 1982, 38:16 are hereby extended until June 30, 1987.

21 Intermingled Funds; Additional Appropriation; Bureau of Secure Care (YDC).

I. The appropriations made by 1983, 423:1, X and by 1981, 565:20, V as amended by 1982, 38:16 are hereby combined and intermingled for the purposes as stated in 1983, 423:1, X and 1981, 565:20, V.

II. The additional sum of \$285,000 is hereby appropriated for said purposes.

22 Bonds Authorized. To provide funds for the additional appropriation made by paragraph II of section 21 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$285,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on such bonds and notes shall be made when due from the general funds of the state.

23 Water Resources Board. In addition to any other funds appropriated, the sum of \$107,319.35 is hereby appropriated to the water resources board, for the purpose of closing out the following projects. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

I. 25-33-384200 (00)
restoration of dams (1974) \$ 809.38

II. 25-33-384400 (00)
restoration of dams (1974) \$36,795.64

III. 30-33-920600 (92)
Mendums pond \$37,969.35

IV. 30-33-920600 (93)
Seaver reservoir \$31,744.98

24 Extension of Certain Water Resources Board Projects.

I. The appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III for Sugar river watershed, site C-9 is hereby extended to June 30, 1987.

II. The appropriation made by 1983, 423:1, VIII, for the Sugar river watershed, site C-9 is hereby extended to June 30, 1987.

25 Lapse Dates Extended; Department of Postsecondary Vocational-Technical Education. The appropriation made by 1983, 423:1, III, A, (1) is hereby extended until June 30, 1987.

26 Appropriation; Wentworth Coolidge Mansion. The sum of \$20,000 is hereby appropriated to the department of resources and economic development, parks division, for purposes of repair and renovation to the Wentworth Coolidge mansion. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

27 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

Rep. Rodeschin notified the Clerk that she wished to be recorded against Section 3 of HB 200.

HB 70, requiring all school children through grade 6 to be fingerprinted. Inexpedient to Legislate.

The Committee feels that the bill is unconstitutional. While the Committee believes parents should be encouraged to fingerprint their children, it doesn't feel the state can mandate. This subject will also be discussed in future legislation. Vote 19-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

Rep. Ingram spoke against the Committee report.

Rep. Bean spoke in favor of the Committee report.

Rep. Ingram requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 314 NAYS 28
YEAS 314

BEKKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Schwartz, Scranton, Secord, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Christy, Copenhaver, Densmore, Driscoll, Duggan, Easton, Michael King, Wayne King, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Bernier, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Ducharme, Duperron, Dupont, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Cris Jacobson, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, Elizabeth Moore, Morrisette, Murphy, Newcombe, O'Rourke, Norman Packard, Pappas, Paradis, Pariseau, Pellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderloek, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood and Worthen.

MERRIMACK: Barberia, Bardsley, Bowes, Cailler, Cate, James Chandler, Connolly, Daniell, Fraser, Gilbreth, George Gordon, Gross, Hager, Hayes, Jelley, C. William Johnson, Kidder, Nichols, Pannell, Pantzer, Phelps, Rehlander, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Ames, Bangs, Benton, Blanchard, William Boucher, Butler, Marilyn Campbell, Case, Lawrence Chase, Connors, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Joslyn, Kane, George Katsakiores, Roger King, Lovejoy, Joseph MacDonald, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Newman, Palumbo, Pevear, Popov, Raynowska, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Tufts, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin,

Diament, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, Disnard, Paul Johnson, Lindblad, Normandin, Rodeschin, Schotanus, Spaulding, Sara Townsend.

NAYS 28

BELKNAP: Brough and Holbrook.

CARROLL: None.

CHESHIRE: Blacketor and Elmer Johnson.

COOS: Guay.

GRAFTON: Blair.

HILLSBOROUGH: Beaupre, Gagnon, Nute, Paquette, Philip Rodgers, Varkas and Wagner.

MERRIMACK: Anderson, Arthur Locke and James Whittemore.

ROCKINGHAM: Burdick, Clay, Conroy, Phyllis Katsakiores, Pantelakos, Parr, Rosencrantz and Schwaner.

STRAFFORD: Kincaid.

SULLIVAN: Domini, Ingram and McKee, and the report was adopted.

Resolution adopted.

Rep. Parr notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. James J. White notified the Clerk that he wished to be recorded in favor of the Committee report on HB 70.

HB 224-FN, relative to appointments to the public utilities commission and making an appropriation therefor. Inexpedient to Legislate.

With an additional cost estimate of \$200,000 and no evidence that a three-member commission cannot work well, the Committee felt enlarging the Public Utilities Commission membership would not in itself affect the quality of the work of the Commission. Vote 21-0. Rep. Conrad Quimby for Commerce, Small Business and Consumer Affairs.

Rep. Kohl spoke against the Committee report.

Rep. Harold Burns spoke in favor of the Committee report.

Resolution adopted.

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips. Ought to Pass. The Committee voted unanimously (19-0) for this bill because members felt that consumers should not be denied goods and services solely because some vendors require the purchaser to sign a blank credit card. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

Rep. James Chandler moved that HB 278 be made a Special Order for the next Legislative day and spoke to his motion.

Motion adopted.

HB 278 was made a Special Order for March 13.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 13 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 55-FN, authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor.

HB 200, making an appropriation for capital improvements.

HB 245-FN, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation; and extending a lapse date to June 30, 1987.

HB 268-FN, making certain supplemental appropriations.

HB 297-FN, relative to a supplemental appropriation to the special railroad fund and making the debt service on the railroads improvement bond a charge against the general fund.

HB 66, eliminating the exception of insurance from certain provisions of the Administrative Procedure Act and excepting the bank commissioner from certain provisions of the Administrative Procedure Act.

HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company.

HB 178, relative to the members of the barbering and cosmetology board.

HB 45, relative to licenses issued by the department of fish and game.

HB 129-FN, relative to sunset review of division of public health services.

HB 240, relative to monopolistic activity.

HB 36, limiting liability of donors and distributors of food.

HB 193, relative to the Rockingham county jail.

HB 199-FN, authorizing the position of assistant county attorney for Carroll county.

HB 222-FN, legalizing annual meetings of the New London water system precinct and the town of New London.

HB 246, relative to state contract approval.

HB 254-FN, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 248, relative to the community development block grant program.

HCR 5, honoring the New Hampshire state parks' fiftieth anniversary and the first park system director, Russell B. Tobey.

HB 238, providing that certain emergency vehicles be exempt from length and weight requirements.

HB 80, relative to the health insurance reimbursement agreements.

HB 105-FN, relative to sunset review of general services and administration.

HB 144-FN, relative to sunset review of the New Hampshire municipal bond bank.

HB 73, preventing cruelty to live vertebrate animals in elementary and secondary school science classes and science fairs.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolled Bills Reports only.

Adopted.

The House recessed at 3:35 p.m.

RECESS

(Rep. Rounds in the Chair)

Rep. Sara Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 513 through 568 and House Bills of Intent numbered 2007 through 2014, and House Concurrent Resolution numbered 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS, HBIs and HCR

First, second reading and referral

HB 513-FN, establishing an interdepartmental coordination system between the department of education and the department of health and human services. (Boucher of Rockingham Dist. 23; Taffe of Grafton of Dist. 6; Sochalski of Rockingham Dist. 23; Carragher of Hillsborough Dist. 22 - To Education)

HB 514, relative to hunting coyote. (Dickinson of Carroll Dist. 2; Bardsley of Merrimack Dist. 1; Powers of Carroll Dist. 5; Wiggins of Dist. 8 - To Fish and Game)

HB 515, relative to the ballot law commission. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 516, relative to smoke detectors in residential health care facilities. (Nelson of Hillsborough Dist. 31; Nagel of Rockingham Dist. 20; Winn of Hillsborough Dist. 28; Charbonneau of Dist. 14; St. Jean of Dist. 20 - To Public Protection and Veterans Affairs)

HB 517-FN, relative to forfeiture of items used in connection with drug offenses. (Sytek of Rockingham Dist. 20; Nelson of Hillsborough Dist. 31; Heath of Dist. 3; White of Dist. 11 - To Judiciary)

HB 518, relative to the appellate division of the department of employment

security. (Ahrens of Hillsborough Dist. 13 - To Labor, Industrial and Rehabilitative Services)

HB 519, establishing an acid rain control act. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

HB 520, relative to supplemental information required on birth, marriage, and death certificates. (Flanders of Rockingham Dist. 5; Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

HB 521, relative to the powers of the public utilities commission. (Woodward of Rockingham Dist. 18; Blanchard of Rockingham Dist. 26; Dingle of Strafford Dist. 4; Bardsley of Merrimack Dist. 1; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 522, making sexual contact with a person under 13 years of age a class B felony. (Ahrens of Hillsborough Dist. 13; Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33; Nelson of Hillsborough Dist. 31; Tamposi of Hillsborough Dist. 27 - To Judiciary)

HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 524, relative to hearings for teachers upon failure to be renominated or reelected. (G. Watson of Hillsborough Dist. 13; Raiche of Hillsborough Dist. 41; Robinson of Strafford Dist. 4 - To Judiciary)

HB 525, authorizing the taking of one salmon and one lake trout or 2 lake trout through the ice on Lake Winnepesaukee and Lake Winnisquam only. (Smith of Merrimack Dist. 20; Brown of Belknap Dist. 4; Hardy of Belknap Dist. 4; Sylvia of Hillsborough Dist. 1 - To Fish and Game)

HB 526, prohibiting drugs in pulling contests. (Johnson of Cheshire Dist. 3 - To Environment and Agriculture)

HB 527, increasing the maximum size of development districts. (Quimby of Rockingham Dist. 7 - To Municipal and County Government)

HB 528, requiring the consideration of noise levels in energy facility siting decisions. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

HB 529, for the protection of depositors. (Longworth of Rockingham Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 530, extending the time for perfecting a mechanics lien until after final payment becomes due. (Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 531, relative to limitation of actions arising from construction. (Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 532-FN, relative to the judicial retirement system and judicial compensation. (Rounds of Grafton Dist. 10; Chambers of Grafton Dist. 12; LaMott of Grafton Dist. 5; Sytek of Rockingham Dist. 20; Ramsay of Cheshire Dist. 10; Freese of Dist. 4; Wiggins of Dist. 8; Griffin of Dist. 24; Blaisdell of Dist. 10; Lessard of Dist. 21 - To Appropriations)

HB 533, prohibiting censorship of printed material. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 534, relative to expenses incurred by the commissioner of the department of employment security. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 535-FN, relative to current use assessment. (Bangs of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; Newell of Rockingham Dist. 7; Podles of Dist. 16 - To Environment and Agriculture)

HB 536-FN, providing that the property tax exemption for the blind be computed without regard to whether property is assessed at its true and market value. (Callaghan of Strafford Dist. 11 - To Municipal and County Government)

HB 537, relative to rent increases in manufactured housing parks. (Dickinson of Carroll Dist. 2; Hounsell of Carroll Dist. 2; Ashnault of Carroll Dist. 2; Malcolm of Rockingham Dist. 17; Hounsell of Dist. 2 - To State Institutions and Housing)

HB 538-FN, permitting alpine slide facilities to sell liquor. (Hawkins of Belknap Dist. 5; Pearson of Belknap Dist. 5; Bolduc of Belknap Dist. 10; Birch of Belknap Dist. 5; Randall of Belknap Dist. 3 - To Regulated Revenues)

HB 539, relative to the protection of sand dunes. (Felch of Rockingham Dist. 14 - To Environment and Agriculture)

HB 540, establishing a committee to recodify the state's labor laws. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 541, making references gender neutral in certain domestic relations statutes. (Jacobson of Merrimack Dist. 2 - To Constitutional and Statutory Revision)

HB 542, relative to access to the interstate system from certain terminals. (Walter of Grafton Dist. 13 - To Public Works)

HB 543-FN, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed value. (Gross of Merrimack Dist. 16; Hager of Merrimack Dist. 21; Holmes of Merrimack Dist. 13; Smith of Merrimack Dist. 20; Barberia of Merrimack Dist. 21; McLane of Dist. 15 - To Municipal and County Government)

HB 544, relative to water improvement bonds issued by the city of Rochester. (Keans of Strafford Dist. 11; Pelley of Strafford Dist. 10; Berkey of Strafford Dist. 11; Laurion of Strafford Dist. 10; Callaghan of Strafford Dist. 11 - To Public Works)

HB 545-FN, relative to sewer improvement funds in the city of Rochester. (Keans of Strafford Dist. 11; Pelley of Strafford Dist. 10; Berkey of Strafford Dist. 11; Laurion of Strafford Dist. 10; Callaghan of Strafford Dist. 11 - To Public Works)

HB 546, providing manufactured housing tenants with a limited right to purchase the park and changing eviction notice requirements. (King of Grafton Dist. 6 - To State Institutions and Housing)

HB 547, extending the time within which pari-mutuel pools may be sold. (Gage of Rockingham Dist. 20 - To Regulated Revenues)

HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing. (Cage of Rockingham Dist. 20 - To Regulated Revenues)

HB 549-FN, creating a compensation program for victims of violent crimes. (Newman of Rockingham Dist. 24; Pantelakos of Rockingham Dist. 24; Vaughn of Rockingham Dist. 27; Barberia of Merrimack Dist. 21 - To Judiciary)

HB 550-FN, indexing utility rate increases resulting from the cost of certain newly completed generating facilities to the rate of inflation. (Ingram of Sullivan Dist. 4; Barberia of Merrimack Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 551, relative to legislative oversight of certain rate increases approved by the public utilities commission. (Jones of Strafford Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 552, relative to nurse practitioner reimbursement. (Dickinson of Carroll Dist. 2; Holmes of Merrimack Dist. 13; Sytek of Rockingham Dist. 20; Lessard of Dist. 21; Griffin of Dist. 24 - To Commerce, Small Business and Consumer Affairs)

HB 553, limiting annual increases in public utility rates or charges for electric service to the rate of inflation in New Hampshire. (Pevear of Rockingham Dist. 17; Easton of Grafton Dist. 11; Parr of Rockingham Dist. 17; Walker of Rockingham Dist. 17; Riley of Cheshire Dist. 5; Anderson of Merrimack Dist. 7; Blaisdell of Rockingham Dist. 13; Blanchard of Rockingham Dist. 26; Bowes of Merrimack Dist. 4; Burkush of Hillsborough Dist. 43; Butler of Rockingham Dist. 11; Connors of Rockingham Dist. 26; Flanders of Rockingham Dist. 5; Harrington of Hillsborough Dist. 7; Hollingworth of Rockingham Dist. 17; King of Grafton Dist. 12; Krasker of Rockingham Dist. 27; Lewis of Merrimack Dist. 5; MacDonald of Rockingham Dist. 28; Mayhew of Coos Dist. 3; McGlynn of Hillsborough Dist. 29; Packard of Strafford Dist. 4; Pearson of Belknap Dist. 5; Popov of Rockingham Dist. 12; Rogers of Merrimack Dist. 6; Scanlan of Grafton Dist. 11; Sherburne of Rockingham Dist. 2; Smith of Hillsborough Dist. 21; Splaine of Rockingham Dist. 25; Torr of Strafford Dist. 11; Schwartz of Cheshire Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 554, relative to the fixing of rates by the public utilities commission. (Pevear of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 555-FN, allowing salaries for state liquor store employees to be based upon store profitability. (Jones of Strafford Dist. 6; Densmore of Grafton Dist. 3; White of Dist. 11; Heath of Dist. 3 - To Ways and Means)

HB 556-FN, relative to the classification of highways. (Boucher of Merrimack Dist. 9; Locke of Merrimack Dist. 9; Podles of Dist. 16 - To Public Works)

HB 557, relative to the division for children and youth services and an adoption assistance compact. (E. Wheeler of Hillsborough Dist. 10 - To Children, Youth and Elderly Affairs)

HB 558, requiring the state to buy American made products except in certain circumstances. (Welch of Rockingham Dist. 10; King of Grafton Dist. 6; Hounsell of Dist. 2 - To Executive Departments and Administration)

HB 559, reducing the penalty for first offense possession of one ounce or less of marijuana to a violation. (Sylvia of Hillsborough Dist. 1; Jacobson of Merrimack Dist. 2; Lozeau of Hillsborough Dist. 25 - To Judiciary)

HB 560, establishing a study committee relative to licensing power boat operators. (Jensen of Belknap Dist. 6; Brown of Belknap Dist. 4; Bryant of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 561, relative to village districts. (Taffe of Grafton Dist. 6 - To Municipal and County Government)

HB 562, making the administrative official on a planning board a nonvoting member. (Keans of Strafford Dist. 11; Dupont of Dist. 6 - To Municipal and County Government)

HB 563, prohibiting the use of radar detectors. (Bangs of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 564, relative to voluntary mediation in divorce proceedings. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 565, providing for the awarding of attorneys' fees in certain contempt cases. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 566, relative to fault grounds in divorce proceedings. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 567, providing to school districts access to court records of certain educationally handicapped children. (Taffe of Grafton Dist. 6 - To Education)

HB 568, relative to alcohol education programs. (Pantelakos of Rockingham Dist. 24 - To Judiciary)

HBI 2007, relating to the youth development center. (Vartanian of Rockingham Dist. 20 - To State Institutions and Housing)

HBI 2008, relating to the New Hampshire state hospital. (Vartanian of Rockingham Dist. 20 - To State Institutions and Housing)

HBI 2009, relating to the Laconia state school. (Vartanian of Rockingham Dist. 20 - To State Institutions and Housing)

HBI 2010, relating to enhancing the potential of New Hampshire's rivers. (Bangs of Rockingham Dist. 7; Nelson of Hillsborough Dist. 31; P. Katsakiores of Rockingham Dist. 7; Vaughn of Rockingham Dist. 27; Bartlett of Dist. 19; Newell of Rockingham Dist. 7; Burdick of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; Podles of Dist. 16; Charbonneau of Dist. 14 - To Resources, Recreation and Development)

HBI 2011, relating to use of our forest resources. (Dickinson of Carroll Dist. 2; Woodward of Rockingham Dist. 18 - To Resources, Recreation and Development)

HBI 2012, relating to persons handling and servicing liquefied petroleum gas. (Bangs of Rockingham Dist. 7; Bartlett of

Dist. 19 - To Public Protection and Veterans Affairs)

HB 1203, relating to impasse resolution under the public employees labor relations law. (Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 1204, relating to consideration of broadening the base of the New Hampshire business profits tax. (Zeckhausen of Belknap Dist. 11; Jones of Strafford Dist. 6 - To Ways and Means)

HCR 7, requesting Congress to make all national holidays fall on their original dates. (Gordon of Merrimack Dist. 7; E. Wheeler of Hillsborough Dist. 10; K. Wheeler of Hillsborough Dist. 10 - To Constitutional and Statutory Revision)

RECESS

(Rep. Scamman in the Chair)

Rep. Fields offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 569 through 586, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 569-FN, making abuse of a child or family member a class B felony. (Ingram of Sullivan Dist. 4 - To Children, Youth and Elderly Affairs)

HB 570-FN, relative to licensing antique snowmobiles. (Chardon of Coos Dist. 6 - To Fish and Game)

HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains. (Reardon of Hillsborough Dist. 37 - To Education)

HB 573-FN, relative to class II highways state aid. (White of Belknap Dist. 1 - To Public Works)

HB 574-FN, abolishing the unclassified position of director of transportation. (Nute of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 575, relative to administrative procedures and state and local government cooperation. (Ellyson of Rockingham Dist. 9; Schwaner of Rockingham Dist. 9; Simon of Rockingham Dist. 9; Haynes of Rockingham Dist. 9 - To Executive Departments and Administration)

HB 576, relative to the crime of theft by deception. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To Judiciary)

HB 577, repealing the interstate commerce exemption from the consumer protection act. (Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 578, relative to the regulation of campground membership programs. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To Judiciary)

HB 579, relative to regulation of manufactured housing parks. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To State Institutions and Housing)

HB 580, relative to collection of revenues by county officers. (Palumbo of Rockingham Dist. 10 - To Municipal and County Government)

HB 581, relative to the regulation of rental referral agencies. (Palumbo of Rockingham Dist. 10 - To State Institutions and Housing)

HB 582, requiring the Derry school district to elect a finance committee and providing for the powers and duties of the committee. (Bangs of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Education)

HB 583, relative to alimony. (Jacobson of Merrimack Dist. 2; Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 584, relative to possession of weapons by felons. (Chretien of Hillsborough Dist. 33 - To Judiciary)

HB 585-FN, authorizing the acquisition of a dam in the town of Goffstown by the department of public works and highways for road construction purposes. (White of Belknap Dist. 1 - To Public Works)

HB 586, relative to a technical amendment of the Uniform Securities Act. (Reardon of Hillsborough Dist. 37 - To Judiciary)

RECESS

(Rep. Rounds in the Chair)

Rep. Sara Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 587 through 599 and 601 through 606, and House Joint Resolution numbered 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS & HJR

First, second reading and referral

HB 587, relative to motor vehicle warranties. (Joslyn of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 588, requiring school districts to send to the state board the annual report of revenues and expenditures. (Boucher of Rockingham Dist. 23 - To Education)

HB 589-FN, exempting land and structures used for agricultural purposes from zoning ordinance requirements. (Campbell of Rockingham Dist. 20 - To Municipal and County Government)

HB 590, relative to the counsel for the department of employment security and that department's representation in court. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 591, requiring the state to underwrite the total expense of fighting forest and brush fires on state owned park or forest land in any town or towns. (Sherburne of Rockingham Dist. 2; Matson of Cheshire Dist. 7; King of Rockingham Dist. 4; Lessard of Dist. 21 - To Resources, Recreation and Development)

HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor. (Walker of Rockingham Dist. 17; Kinhan of Merrimack Dist. 14; Riley of Cheshire Dist. 5; Campbell of Rockingham Dist. 20; Johnson of Dist. 17 - To Education)

HB 593-FN, relative to special plates for active members of civil defense organizations. (Raynowska of Rockingham Dist. 20 - To Transportation)

HB 594, relative to sexual assault. (Pantelakos of Rockingham Dist. 24; Chase of Rockingham Dist. 28; Clay of Rockingham Dist. 28; Romoli of Rockingham Dist. 19 - To Judiciary)

HB 595, relative to missing child police reports. (Sloan of Rockingham Dist. 6 - To Children, Youth and Elderly Affairs)

HB 596, relative to restoring the old state house at Strawberry Banke. (Vartanian of Rockingham Dist. 20 - To State Institutions and Housing)

HB 597, relative to the right of employees to freely decide whether to support labor organizations. (Burns of Hillsborough Dist. 8; Chase of Carroll Dist. 6; Durant of Hillsborough Dist. 32; McCain of Rockingham Dist. 11; Chagnon of Hillsborough Dist. 23; Sytek of Rockingham Dist. 20; Heath of Dist. 3; Charbonneau of Dist. 14 - To Labor, Industrial and Rehabilitative Services)

HB 598, requiring any person filing a suit which delays the construction of an energy facility or a state highway or road to post a bond. (Guay of Coos Dist. 7 - To Public Works)

HB 599, relative to computer-related offenses. (Sytek of Rockingham Dist. 20; Randall of Belknap Dist. 3 - To Judiciary)

HB 601-FN, relative to driver's license fees. (White of Belknap Dist. 1 - To Transportation)

HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs. (Chardon of Coos Dist. 6; Wiggins of Dist. 8 - To Fish and Game)

HB 603-FN, relative to municipal utilities. (Whittemore of Merrimack Dist. 10 - To Municipal and County Government)

HB 604, relative to the return of rental vehicles. (Guay of Coos Dist. 7 - To Judiciary)

HB 605, relative to approval of deviations from organization filings and regulating the issuance of certificates of insurance. (Burns of Coos Dist. 5; Packard of Hillsborough Dist. 15; Dupont of Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 606-FN, relative to financial institution holding companies. (Lamy of Hillsborough Dist. 46; Whittemore of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HJR 3-FN, granting William Lindeman the right to lease from the state for the remainder of his life a campsite located in Crawford Notch State Park. (Chandler of Carroll Dist. 1; Heath of Dist. 3 - To Resources, Recreation and Development)

RECESS

(Rep. Rounds in the Chair)

Rep. Shepard offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 4 and 607 through 627, and House Concurrent Resolution numbered 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS and HCR First, second reading and referral

HB 4-FN, establishing a new formula for distributing foundation aid to the school districts. (Robinson of Hillsborough Dist. 14; Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23; Keefe of Hillsborough Dist. 31; Nelson of Hillsborough Dist. 31; Bolduc of Belknap Dist. 10; Kinham of Merrimack Dist. 14; Dupont of Dist. 6; Blaisdell of Dist. 10; Johnson of Dist. 17; Lessard of Dist. 21; Charbonneau of Dist. 14 - To Education)

HB 607, relative to special education medically related services and insurance. (Kinhan of Merrimack Dist. 14; Harrington of Hillsborough Dist. 7 - To Education)

HB 608-FN, establishing a nurse registration and education revolving fund. (Boucher of Rockingham Dist. 23 - To Executive Departments and Administration)

HB 609, relative to comprehensive high schools. (Boucher of Rockingham Dist. 23 - To Education)

HB 610-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Sylvia of Hillsborough Dist. 1 - To Education)

HB 611, relative to property owner's rights in the town of Derry. (Bangs of Rockingham Dist. 7; Conroy of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; Lovejoy of Rockingham Dist. 7; Bartlett of Dist. 19 - To Municipal and County Government)

HB 612-FN, relative to the administration of the alcohol education programs. (Jones of Strafford Dist. 6; Tamposi of Hillsborough Dist. 27; LaMott of Grafton Dist. 5; Knight of Hillsborough Dist. 6; Dupont of Dist. 6 - To Judiciary)

HB 613-FN, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. (Sloan of Rockingham Dist. 6 - To Municipal and County Government)

HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds. (LaMott of Grafton Dist. 5 - To Transportation)

HB 615-FN, relative to keeping county convention records. (Bates of Strafford Dist. 1 - To Municipal and County Government)

HB 616-FN, relative to funding of the fire standards and training commission. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans Affairs)

HB 617-FN, relative to the regional fuel tax agreement. (LaMott of Grafton Dist. 5 - To Transportation)

HB 618-FN, relative to distribution of the sweepstakes fund. (Burdick of Rockingham Dist. 7 - To Appropriations)

HB 619-FN, relative to the penalty for underpayment of estimated taxes. (Burton of Strafford Dist. 4 - To Ways and Means)

HB 620, creating a presumption that cardiovascular disease in police officers is occupationally related. (Holmes of Merrimack Dist. 13; Gage of Rockingham Dist. 20; Eaton of Cheshire Dist. 4; Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 621-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (White of Belknap Dist. 1 - To Public Works)

HB 622-FN, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments. (Kinhan of Merrimack Dist. 14 - To Health and Human Services)

HB 623, relative to capital murder, first degree murder and the death penalty. (Scamman of Rockingham Dist. 19; Eaton of Cheshire Dist. 4; Lozeau of Hillsborough Dist. 25; Duprey of Hillsborough Dist. 31; White of Dist. 11 - To Judiciary)

HB 624-FN, establishing a permanent licensing system for insurance agents and brokers and providing for the licensing of insurance consultants. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 625-FN, relative to pari-mutuel taxation. (Hawkins of Belknap 5 - To Regulated Revenues)

HB 626-FN, to provide for vending services for the blind on toll roads. (Boucher of Rockingham Dist. 23; Nelson of Hillsborough Dist. 31 - To Public Works)

HB 627-FN, relative to the emergency medical service coordinating board. (Sytek of Rockingham Dist. 20; White of Belknap Dist. 1; Raynowska of Rockingham Dist. 20 - To Health and Human Services)

HCR 8, to ratify an amendment to the Constitution of the United States to provide for representation of the District of Columbia in Congress. (Raiche of Hillsborough Dist. 41; King of Grafton Dist.

6; Cote of Hillsborough Dist. 25; Bass of Hillsborough Dist. 7 - To State-Federal Relations)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 10

Wednesday, 13 Mar 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. David W. Bell.

Direct our building, O Lord. Help us to learn from our history. Remind us before we must learn again that some have failed to complete their buildings because they did not know the cost, that some have failed to finish because they did not know the purpose, and that some who finished could not enjoy because their purposes were selfish.

Direct our building, O Lord, that we appreciate our need for inspiration as well as function in our structures. That we build on the solid foundation of Your word to love one another. Amen.

Rep. Brown led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Krasker, Hardy, Wadsworth, Reidy, Nagel, Nichols, Francis Robinson, Keefe, Bowes and Bernard, the day, illness.

Reps. Sylvia, Frink, Beverly Gage, Tamposi, Parker, Hager, Cate, Vartanian, Schotanus, Frank Whittemore, Dupont, Michael Jones, Bass, Patti Blanchette, Chappell, Arnott and Stonner, the day, important business.

Rep. Pevear, the day, death in the family.

Reps. Mayhew and B. P. Smith, the day, illness in the family.

INTRODUCTION OF GUESTS

Kathleen O'Shea and her son, Kevin, guests of Rep. Bryant; Faith Donovan, daughter of Rep. Donovan; Margaret Whitney, mother of Rep. Densmore; Government Class, Odyssey House School, Hampton, guests of Rep. Diamant; Nancy Remmers, Robin Blackburn and Beth Walker, students at Baylor University, Waco, Texas, guests of Rep. Walker; New London League of Women Voters, guests of Rep. Kidder; Sharon Rowland, guest of Rep. Frew.

Rep. Rounds offered the following:

RESOLVED, that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 1:20 p.m. for the purpose of hearing the Governor's Capital Budget message.

Adopted.

SENATE MESSAGE

The Senate is ready to meet with the Honorable House in Joint Convention.

JOINT CONVENTION (Speaker presiding)

Mr. Speaker, Madam President, Honorable Members of the General Court:

I come to you this afternoon to address the capital investment needs of the State of New Hampshire. The details of the specific capital expenditures are contained within the two pieces of the legislative package provided today.

I would like to take this opportunity to comment on a few specific areas dealing with our programs for capital expenditures.

But first let me address the issue of New Hampshire's bonded indebtedness. There are two points to be made.

Two years ago our state had outstanding, not only the usual long-term obligations, but in addition there were a number of short-term notes which had been used to finance deficit operations for a number of years. We were able, in the first year of our first budget, to repay completely the \$40 million in short-term notes, as well as the intermediate financing which had been required to meet those difficult financial conditions. This required repayment of a total of \$70 million in obligations. With those repayments, by the close of the first year of our budget, there were no outstanding short-term notes to finance operations.

Secondly, we have made a complete study of the bonded indebtedness structure of the State of New Hampshire. In planning the programs to rehabilitate or replace our costly and inefficient existing facilities, I was concerned that we would need to undertake an aggressive capital program. However, even with our significant efforts to provide cost effective facilities, the bonded indebtedness of the state of New Hampshire, as a percentage of general fund revenue, has been reduced from 140 percent in 1977 to 84 percent in 1984. I believe the programs we have undertaken, and which we propose today, are clearly consistent with our efforts to provide quality service to our citizens at the lowest overall cost.

We have come into this budgetary cycle with some significant accumulated needs. For example, in recent years we've recognized the need for new facilities to provide the intensive care now being delivered to the mentally ill in our old state hospital, and for the chronically ill and developmentally disabled at the Laconia State School.

To address those requirements, the last legislative session established a study committee to examine these services under Chapter 407, and that group has met for over a year.

The first legislative budget package includes construction funds to meet the recommendations and directions developed in the deliberations of the Chapter 407 committee and is the culmination of an

effort begun over a decade ago to restructure the service delivery system in both mental health and in developmental disabilities.

The deinstitutionalization programs funded in recent budgets have provided a working regional and community program in developmental disabilities. More recently, regional and community programs are being funded and developed to address mental health needs.

The proposed funding level of \$23.5 million of this package provides for the construction of a central psychiatric facility in Concord; the land acquisition, design and construction of a pilot intensive group home; the land acquisition, design and construction of a pilot regional intensive care facility for the mentally retarded; and the land acquisition and site-specific extension of design for twelve additional intensive group homes and fourteen additional ICF/MR's.

I would like to comment on the operating and capital funding levels for the mental health programs in general.

The funding levels provided in both budgets address the needs of our citizens in the area of mental health. They provide support of the central services and regional and community programs. And they fund the construction of new facilities in a consistent, manageable transition which permits review of the effectiveness of the facilities and programs being developed and accommodates improvements as they evolve.

There are a few who wish a more drastic pace with simultaneous full construction of all new community and regional facilities. This would be contrary to the best judgments of the Chapter 407 committee and inconsistent with prudent management of the investment and commitment to expenditures involved in these changes.

In addition to this once-in-a-generation investment in new centralized state psychiatric facilities, we are submitting a legislative package for capital programs of a more traditional nature.

Although this second legislative package is consistent with a list of more usual needs, it too contains some unique requests.

In this category is the request for the Fish and Game Department. We all know of the tragic fire which destroyed their facilities here in Concord. As the plans for replacing that facility progressed, it became apparent that the situation provided an opportunity to rejuvenate this very important department and restructure the office systems to better deliver services to all our citizens and visitors, especially those who hunt and fish.

With a very intensive, constructive effort by the Fish and Game Commission, a regional facility plan was developed which divides the state into five regions. Design and construction funds for a major central office here in Concord, and for a research service marine fisheries region on the seacoast are included in the capital budget request.

Funds are also provided for acquisition, renovation or construction of the appropriate three regional offices in the

north country, the lakes region and the Monadnock region of the state.

Two overdue programs are addressed in the capital funds provided for the Department of Resources and Economic Development.

The first is the refurbishing of our parks and recreation system.

Funds have been included for major improvements and expansion of buildings, grounds, harbors, power supply, water supply, and sewerage systems at the heavily utilized parks such as Wallis Sands, Mt. Washington, Rye Harbor Marina, Portsmouth Marina and Fort Stark.

In addition, we have addressed the concerns associated with the state operated ski and recreation facilities at Cannon Mountain and at Sunapee.

I have, for over a year, been reviewing a number of alternatives to the current operational structure. These alternatives ranged from outright sale, to leasing the operational side, to joint ventures, or conversion to an authority structure for operation. Each had attractive benefits. However, each also had very significant negatives.

The state has discussed the needs and possibilities with users, private sector operators, officials from state authorities, consultants, state employees, equipment manufacturers, developers, and the financial community. I have also met with legislators from both House and Senate.

The plan I propose to you is in my judgment the best recommendation to deal with the current and future needs of both facilities. It recognizes that there are major capital needs that will have to be met no matter what structure is used to manage and operate the system.

To meet those needs we are recommending the expenditure of \$4.4 million for new lifts and expansion of snowmaking capacity at both mountains. These appropriations include funds for the planning, design and engineering support required to make the areas constructive complements to the private sector operations of the state.

Secondly, to address the variability of seasonal expenditures, needs and revenues, we recommend the establishment of a revolving fund, replenishable in the good years, and from which funds may be drawn in the lean years, to provide the flexibility required for effective, efficient management.

We have also provided funds for the development of a master plan for Sunapee and Cannon to identify what directions should be considered in any longer range programs.

Finally, to coordinate the efforts, I will establish by executive order, an advisory commission to serve as a support resource to help in the review of operations of the facilities. The first charge I will give this group is to identify and implement whatever steps would be necessary to complete and have operational as much of these capital improvements as possible for the next winter season.

In this capital budget we have also included funding for the state groundwater study. This assessment and planning effort will permit us, over the next half decade or

decade to identify our groundwater resources and develop an effective plan for access and preservation of these resources within this generation.

Our water resources, accumulated over geologic time and regularly replenished, are vital to our health, our welfare and the maintenance of our industrial base. We must preserve our water quantity and quality. I look forward to working with the sponsors of HB 429 which will define the details of this program.

This budget also provides funds for the next phase of construction at the state prison. Our state prison population has grown from 280 prisoners just seven years ago to nearly 600 prisoners today. We must have a system and facilities in place which permit us to provide effectively the deterrent, punishment and rehabilitation that is reflective of the changes in enforcement, sentencing, and parole legislated and implemented over recent years.

For our troubled youth, we are providing funding for an additional residence and for needed maintenance at several youth and family service division locations.

To support the continued growth of the university system of New Hampshire, the capital proposals include a total of \$5.4 million in funding for priority projects. These include the fast track budget projects of Barton Hall at the University of New Hampshire, energy conservation at Plymouth State College, and new facilities for New Hampshire Public Television. The package presented today adds the authorization for a science center at Keene State College.

To support a more efficient and effective program in highway design, we have provided nearly \$1 million for the purchase and implementation of a modern computer aided design system. Not only will this provide for greater efficiency and better performance, it will expand in-house design capacity to significantly reduce design costs. Our goal is to maintain the exceptionally fine performance and reputation that our Highway Department has achieved.

I would be remiss if I did not take note of one additional item funded. For well over a half a decade, the problems with air circulation and ventilation at the Health and Welfare building have resisted all modest efforts to remedy the situation. I have included in this budget \$640,000 to completely renovate the ventilation system to provide, we hope, once and for all, a quality working environment for the state employees located there.

This capital budget contains no specific recommendations for expenditures for highway construction. Clearly, the success of New Hampshire's growth has created additional needs for highways in the State of New Hampshire.

I spent a great deal of time considering whether a major supplement to our current level of highway effort was appropriate, or whether any change in our current process for identifying priorities or targeting resources was required.

Although our highway needs are clearly growing more rapidly than ever, we must be deliberative in our approach to develop solutions. In fact, this growing need makes it imperative that we be as cost effective as possible in the responses we make. Moreover, we should not allow our timely concerns to respond to this situation, force us to take actions that are inconsistent with the traditions, needs and obligations we have. I, therefore, recommend two critical actions.

The first is that specific highway needs continue to be addressed by individual legislation designed to allow for broad input on the merits and impacts of each proposed construction project. Such legislation should be clear enough so that each project must be, and can be, considered on its own merits. There are clearly a number of programs proposed that deal with needs that obviously merit passage and support.

However, I wish to make it clear that no matter how meritorious a project may be I cannot support legislation which packages the project with less timely needs.

Secondly, recognizing that we must be aggressive in responding to the pressures developing, I have today issued an executive order based on the authority of Governor and Council in the Constitution, Part II, Article 62 and the responsibilities, power and authority of Governor and Council as set forth in New Hampshire RSA's Section 230:14 and 230:45. This order establishes an advisory commission consisting of the executive councilors and the highway commissioner. They have two basic charges. The first is to meet with the legislative planning groups and committees, and all appropriate bodies including local and state officials to review the situation. Secondly, I have asked them to determine if we need to supplement our current annual level of highway construction. Their recommendations would include suggestions for a system to establish priorities for the projects and mechanisms to support any accelerated program recommended.

I believe the recommendations address the current capital needs of our state. In closing, let me again urge you to recognize that our obligations are to act wisely, constructively, efficiently and frugally with the resources we have at hand. I firmly believe that the capital construction program we have outlined today addresses not just wants, but real needs.

I hope you will support the programs proposed, recognizing that we must address the needs of generations ahead without overreaching our capacity to support those needs. Together, through the proposed operating and capital budgets, we will be able to move New Hampshire through the 1980's in a constructive manner. Thank you very much.

SUSPENSION OF RULES

Rep. Rounds and Sen. Freese moved that the rules of the House and Senate be so far suspended as to permit consideration at the present time of HCR 9, inviting Chief

Justice King to address a joint convention on the state of the Judiciary, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Adopted by the necessary two-thirds.

HCR 9, inviting Chief Justice King to address a joint convention on the state of the Judiciary.

The Clerk read the resolution.

Adopted unanimously and ordered to third reading.

Rep. Rounds and Sen. Freese moved that the Joint Convention adjourn.

Adopted.

HOUSE

(Speaker in the Chair)

VACATES

Rep. Ward moved that the House vacate the reference of HB 472-FN, establishing a division of information technology and planning within the department of administrative services and making an appropriation therefor, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 472 to the Committee on Science and Technology.

Rep. Sytek moved that the House vacate the reference of HB 530, extending the time for perfecting a mechanics lien until after final payment becomes due, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 530 to the Committee on Commerce, Small Business and Consumer Affairs.

THREE-LEGISLATIVE DAY EXTENSION GRANTED

Rep. Boucher moved that the Committee on Education be granted a three-legislative day extension on HB 198, relative to school building aid for the Conway school district.

Granted.

SENATE MESSAGES

CONCURRENCE WITH HOUSE BILLS

HB 116-FN, relative to sunset review of estimated revenue.

HB 117-FN, relative to sunset review of operations and maintenance.

HB 121-FN, relative to sunset review of central New Hampshire turnpike operation.

HB 133-FN, relative to sunset review of estimated revenue.

HB 134-FN, relative to sunset review of state overhead charge.

HB 139-FN, relative to sunset review of New Hampshire turnpike maintenance.

HB 245-FN, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation; and extending a lapse date to June 30, 1987.

HB 140-FN, relative to sunset review of turnpikes administration overhead.

HB 150-FN, relative to sunset review of central New Hampshire turnpike debt service.

HB 101-FN, relative to sunset review of small loan and vehicle finance.

HB 159-FN, relative to sunset review of adjutant general maintenance preparation force.

HB 10, relative to police presence at public meetings or functions.

HB 115-FN, relative to sunset review of veterans council.

HB 48, providing for acquisition of Jones Pond dam by the department of fish and game.

HB 33, authorizing the town of Hudson to construct a dam at Robinson Pond.

HB 60, establishing granite as the state rock, beryl as the state mineral, and smoky quartz as the state gem.

HB 136-FN, relative to sunset review of the northeastern forest fire protection commission.

HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming.

HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for two years.

HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect.

HB 21, relative to filing with the school district clerk or town clerk.

NONCONCURRENCE WITH HOUSE BILLS

HB 24, permitting a county executive committee to hire an executive assistant.

HB 54, relative to the maintenance of horses.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 98, relative to adopting the spotted newt as the state amphibian. (Amendment printed SJ 3/7)

Rep. Benton moved that the House concur. Adopted.

REQUESTS CONCURRENCE WITH SENATE BILLS

SB 20, adopting the uniform transfers to minors act.

SB 6-FN, making a supplemental appropriation to the real estate commission.

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding.

SB 9, authorizing the executive director to set the season bag limit, sex limitations and method and manner of taking and reporting of wild black bear.

SB 16, relative to the statute of limitations for personal actions.

SB 19-FN, relative to expending fines and forfeitures collected for fish and game violations on certain rewards.

The Speaker called for the Special Order.

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips. Ought to Pass.

The Committee voted unanimously (19-0) for this bill because members felt that consumers should not be denied goods and services solely because some vendors require the purchaser to sign a blank credit card. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

Rep. Quimby moved that HB 278 be recommitted to the Committee on Commerce, Small Business and Consumer Affairs and spoke to his motion.

Adopted.

HB 278 was recommitted to the Committee on Commerce, Small Business and Consumer Affairs.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 93 was removed at the request of Rep. August.

HB 337 was removed at the request of Rep. Flanagan.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 343, making a supplemental appropriation for assigned counsel for indigent defendants. Inexpedient to Legislate.

The appropriation contained in this bill was transferred to the supplemental budget, HB 268-FN, which passed the House on February 28, 1985. Vote 20-0. Rep. William F. Kidder for Appropriations.

HB 119-FN, relative to sunset review of program operations region 1. Inexpedient to Legislate.

This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 123-FN, relative to sunset review of program operations region 3. Inexpedient to Legislate.

This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 127-FN, relative to sunset review of senior recreation. Inexpedient to Legislate. This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 128-FN, relative to sunset review of grants to locals. Inexpedient to Legislate. This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 130-FN, relative to sunset review of third party grants. Inexpedient to Legislate.

This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 151-FN, relative to sunset review of program operations region 5. Inexpedient to Legislate.

This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 156-FN, relative to sunset review of program operations region 6. Inexpedient to Legislate.

This PAU is reestablished under HB 126. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 126-FN, relative to sunset review of state office administration. Ought to Pass with Amendment.

The Committee amended the bill to include the rest of the program so all services provided by the Council on Aging for the elderly will continue. Vote 20-0. Rep. Emma B. Wheeler for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Consolidation. The functions of the following are hereby made subcomponents of the PAU for the state council on aging, state office administration, as renewed by section 1 of this act, for the purpose of sunset review pursuant to RSA 17-G:

I. PAU 050102 relative to grants to locals;

II. PAU 050103 relative to third party grants;

III. PAU 050104 relative to program operations region 1;

IV. PAU 050105 relative to program operations region 3;

V. PAU 050106 relative to program operations region 5;

VI. PAU 050107 relative to program operations region 6;

VII. PAU 050109 relative to senior recreation.

4 Effective Date. This act shall take effect upon its passage.

HB 152-FN, relative to sunset review of travel for action. Inexpedient to Legislate.

This program is no longer funded or in existence and should not be reenacted. Vote 13-0. Rep. W. Douglas Scamman for Children, Youth and Elderly Affairs.

HB 182-FN, relative to sunset review of office of ombudsman. Ought to Pass.

The Committee feels it is necessary to continue this service for the elderly in nursing homes and shared homes. Vote 20-0. Rep. Emma B. Wheeler for Children, Youth and Elderly Affairs.

HB 72, relative to the submission and certification of nomination papers. Ought to Pass with Amendment.

Changes date for filing and for presidential candidates, not included in

the 2-party system, must file during filing period and pay filing fee of \$250. Petitions must be in on the Wednesday 4 weeks before the primary by 5:00 p.m. to the supervisors of the checklist and to the Secretary of State no later than 5:00 p.m. on the Wednesday 3 weeks before the primary. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the submission and certification of nomination papers and the filing period for declarations of candidacy.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Changing Filing Period for Declaration of Candidacy. Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 as amended by striking out in line 7 the words "third Wednesday in June" and inserting in place thereof the following (Friday of the following week) so that said paragraph as amended shall read as follows:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

2 Certain Presidential Candidates; Filing Declaration of Intent. Amend RSA 655:14-a (supp) as inserted by 1981, 531:2 by striking out said section and inserting in place thereof the following:

655:14-a Filing by Other Candidates. Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the appropriate official as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

3 Filing Declaration of Intent by Certain Presidential Candidates. Amend RSA 655 by inserting after section 17-a the following new section:

655:17-b Declaration of Intent; Presidential and Vice-Presidential Candidates Who File Nomination Papers.

I. Declarations of intent for each candidate for president and vice-president who seeks nomination by nomination papers shall be in the form provided in paragraph II. Declarations of intent required by th's

section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, _____, declare that I am domiciled in the city (or town or unincorporated place) of _____, county of _____, state of _____, and am a qualified voter therein; that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

4 Filing Fee for Declarations of Intent. Amend RSA 655:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:19 Filing Fees. Unless he chooses to submit primary petitions as provided in RSA 655:20, at the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the official with whom the same are filed the following fees; for governor and for United States senator, \$100; for representative in Congress, \$50; for councilor, \$25; for state senator, \$10; for county officer, \$5; for state representative, \$2. Those candidates filing declaration of intent shall pay the same fee. Candidates for delegate to the state convention shall not be required to pay a fee. The fees paid to a town or city clerk shall be forwarded to the treasurer of the town or city and shall be the property of the town or city for its use.

5 Filing Fee for Certain Presidential Candidates. Amend RSA 655 by inserting after section 19 the following new section:

655:19-a Filing Fee for Presidential Candidates Who File Nomination Papers. At the time of filing declarations of intent, each candidate for president who seeks nomination by nomination papers shall pay to the secretary of state a single fee of \$250 for himself and his vice-presidential candidate.

6 Withdrawal of Certain Presidential and Vice-Presidential Candidates. Amend RSA 655:30 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

655:30 Withdrawal. When a party candidate has duly filed according to law for nomination at a primary election, or other candidate has submitted nomination papers, no withdrawal or declination of the candidate shall be accepted by the secretary of state subsequent to the last dates for filing a declaration of candidacy or the filing of nomination papers except as provided in RSA 655:31 and 655:34.

7 Time for Submitting Nomination Papers for Certification. Amend RSA 655:41 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:41 Certification. Each nomination paper shall be submitted to the supervisors

of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a legal voter in said town or ward. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

8 Changes in Filing Deadline for Nomination Papers. Amend RSA 655:43 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

655:43 Filing Deadline.

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday 3 weeks before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, councilor, state senator, or state representative, unless he shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his name placed on the ballot unless he files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No person who filed as a candidate in the state primary election shall be eligible to have his name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

9 Effective Date. This act shall take effect 60 days after its passage.

HB 137-FN, relative to sunset review of the New Hampshire network. Ought to Pass with Amendment.

The Committee voted 19-0 that New Hampshire public television should be continued. The amendment provides insurance coverage for public television equipment. Rep. Mary S. Nelson for Education.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Insurance Coverage for New Hampshire Public Television Equipment. Amend RSA 187-A:16, XXI (supp) as inserted by 1981, 331:1 as amended by striking out said paragraph and inserting in place thereof the following:

XXI. Acquire fire, theft, casualty and vandalism insurance to cover donated property, real and personal, and to cover the equipment of New Hampshire public

television as may be essential to maintain its Federal Communications Commission broadcast license and to remain eligible for federal funding of public television, notwithstanding the provisions of RSA 9:27 to the contrary.

4 Effective Date. This act shall take effect upon its passage.

HB 191, relative to the liability for the transportation for educational purposes of children in group homes or health care facilities. Inexpedient to Legislate.

The Committee thought that a real problem was brought up, but that this bill was not the vehicle for addressing it. Vote 17-1. Rep. William A. Riley for Education.

HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts. Ought to Pass.

This bill requires reciprocity between states before out of state milk firms can sell milk to New Hampshire state institutions. Vote 19-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 271, relative to the proper care of dogs and cats maintained as household pets. Inexpedient to Legislate.

The Committee feels that present RSAs are adequate in addressing the care of cats and dogs, and that local problems with these animals are more properly addressed by animal officers on the local level. Vote 18-0. Rep. J. Lisbeth Olimpio for Environment and Agriculture.

HB 155-FN, relative to sunset review of the governor's commission for the handicapped. Ought to Pass with Amendment.

The Committee felt that this bill should pass as amended and voted unanimously (19-0) to support the Governor's Commission for the Handicapped. Testimony was overwhelmingly in support of this legislation. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Ex Officio Members. Amend RSA 275-C:3 (supp) as inserted by 1977, 545:1 by striking out said section and inserting in place thereof the following:

275-C:3 Ex Officio Members. The following, or their designees, shall serve as ex officio members without a vote on the commission: (1) the commissioner of health and human services, (2) the chief of the division of vocational rehabilitation of the department of education, (3) the supervisor of blind services of the department of education, division of vocational rehabilitation, (4) the commissioner of labor, (5) the commissioner of the department of employment security, (6) a member of the state board of education designated by the governor, and (7) the

director of the division of mental health and developmental services.

4 Executive Director. Amend RSA 275-C:4 (supp) as inserted by 1977, 545:1 as amended by striking out in line 1 the word "may" and inserting in place thereof the following (shall) so that said section as amended shall read as follows:

275-C:4 Executive Director; Staff. The commission shall select an executive director of the commission by a vote of a majority of all voting commission members. The executive director shall be in the unclassified service of the state with an annual salary as shall be prescribed by RSA 94 and shall act as secretary to the commission and shall perform such other duties as the commission may require of him. The commission shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director.

5 Committees. Amend RSA 275-C:5 (supp) as inserted by 1977, 545:1 by striking out said section and inserting in place thereof the following:

275-C:5 Organization of Commission. The commission shall organize itself in conformity with its responsibilities under this chapter and shall establish committees to address issues which affect handicapped persons. The members of such committees shall be designated by the chairman, with the approval of a majority of the commission.

6 Content of Plans. Amend RSA 275-C:6, V (supp) as inserted by 1977, 545:1 by striking out said paragraph and inserting in place thereof the following:

V. To research, formulate and advocate plans, programs and policies which will serve the needs of handicapped persons, which may include an assessment of the needs of the handicapped, a census of services provided by public and private organizations, identification of unfilled needs, long term goals, short term objectives, action plans to meet objectives and measures of performance. The commission shall be guided by the goal of formulating an integrated, comprehensive, statewide plan to address the needs of handicapped citizens.

7 Subdivision Heading. Amend the heading of the subdivision RSA 275-C:10-18 by striking out said heading and inserting in place thereof the following:

Committee on Architectural
Barrier-Free Design

8 Commission Members; Designees. Amend RSA 275-C:11 (supp) as inserted by 1977, 269:1 as amended by striking out said section and inserting in place thereof the following:

275-C:11 Permanent Committee for Barrier-Free Design Established. There is hereby established a permanent committee of the commission, to be known as the committee on architectural barrier-free design. Such committee shall be appointed by the chairman, with the approval of the commission and shall consist of 11 members, at least 6 of whom shall be physically handicapped persons who have demonstrated an

understanding of and commitment to architectural barrier-free design. One member shall be a representative of the interests of the building trades, one member shall be a registered engineer or architect, and the remaining 3 members shall be ex officio members of the governor's commission, or their designees.

9 Reference Corrected. Amend RSA 275-C:14, II and III (supp) as inserted by 1977, 269:1 by striking out said paragraphs and inserting in place thereof the following:

II. Adopt such rules under RSA 541-A as may be necessary to enforce the provisions of this subdivision and the code for barrier-free design.

III. Hold public hearings prior to the adoption of any rules by the committee in accordance with RSA 541-A.

10 Reference to Subcommittee Corrected. Amend the following sections of RSA by striking out the word "subcommittee" wherever it appears and inserting in place thereof the following (committee):

RSA 275-C:12, 13, 14, 15, and 16.

11 Effective Date. This act shall take effect upon its passage.

HB 212, relative to emergency medical services. Inexpedient to Legislate.

The Committee listened to the sponsor and one other person in favor of this bill, but had communications from several people opposed who indicated that the bill effected a much broader area than was intended. The Committee feels that there is no present need for the bill. Vote 20-1. Rep. Elizabeth Hager for Health and Human Services.

HB 261, relative to out-of-state back-up ambulance services. Ought to Pass with Amendment.

The Committee feels that this bill is a reasonable clarification of the ambulance licensing provisions under RSA 151. It makes it clear that out-of-state ambulances can be called into New Hampshire in emergencies. The amendment adds that the ambulances will be summoned under written mutual aid agreements. Vote 19-0. Rep. Elizabeth Hager for Health and Human Services.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Back-up Ambulances. Amend RSA 151-B:11, V as inserted by 1971, 479:1 by striking out said paragraph and inserting in place thereof:

V. The licensing requirements of this section shall not apply to out-of-state ambulance services which provide back-up service to New Hampshire municipal or volunteer ambulance services under written mutual aid agreements or in case of a major emergency.

HB 283-FN, continuing nursing home cost incentive programs. Ought to Pass with Amendment.

This continues until October 1, 1987 the incentives for owners and operators of nursing homes within the State of New Hampshire to implement cost containment programs. This program was begun October 1, 1980 and has worked well for small and larger homes. Vote 21-0. Rep. Mary J. Sullivan for Health and Human Services.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Program Continued. Amend 1979, 387:3 as amended by 1983, 133:1 by striking out said section and inserting in place thereof the following:

387:3 Effective Date.

I. Section 1 of this act shall take effect October 1, 1980.

II. Section 2 of this act shall take effect October 1, 1987.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 76-FN, establishing a judicial selection commission to recommend candidates for all judicial appointments. Refer for Interim Study.

The Committee feels the general public should have more say in the selection of judges, but this is not the proper vehicle. It is sent for study in order that a method of orderly review of judges' performance can be developed and presented at a later time with a means of getting public sentiment on practices in effect and recommend procedural changes for improvement. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes. Ought to Pass.

This bill, which was requested by local police and the Hospital Association, is intended to reduce the number of court appearances by medical personnel who draw blood samples for alcohol testing in DWI cases. The bill provides that the person who draws the blood will complete a form stating that sample was taken according to procedures prescribed by Public Health. The form will be admissible evidence in court. The defendant's rights are in no way compromised by this bill. Vote 13-1. Rep. Donna P. Sytek for Judiciary.

HB 192, relative to trespass by land surveyors. Inexpedient to Legislate. The Committee feels that there is not enough clear-cut evidence of need for this bill. There are methods of handling problems without statute. Vote 12-0. Rep. Elizabeth D. Lown for Judiciary.

HB 276, relative to powers of attorney. Ought to Pass.

This bill is recommended by the Judicial Council to facilitate and clarify the use of powers of attorney. The present statutes permitted a special or limited power of attorney to be "durable," i.e. it survived the disability or incompetence of the principal, when a general power of attorney did not so survive. The Committee concluded there was no rational reason for this distinction, so therefore recommends the statutes be corrected. Vote 12-0. Rep. Daniel J. Healy for Judiciary.

HB 229, relative to safe and adequate septic systems. Ought to Pass with Amendment.

Decision of the Subcommittee agreed this to be an updating, clarifying action providing increased authority to local health officers in conjunction with existing statute RSA 149-E, and Water Supply and Pollution Control Commission. Vote 16-1. Rep. Paul A. Golden for Municipal and County Government.

Amendment

Amend the bill by striking out section 1 of the bill and inserting in place thereof the following:

1 Regulations. Amend RSA 147:10 by striking out said section and inserting in place thereof the following:

147:10 Nuisances; When; Regulations. No privy, toilet, sink, drain, cesspool, septic tank, or the discharges therefrom, and no pen or sty for swine, shall be erected or continued in such place or condition as, in the judgment of the health officers, to be a nuisance or injurious to the public health. The health officer may make, in the manner provided in RSA 147:1, such regulations as necessary to ensure the safety and adequacy of subsurface sanitary disposal systems within the municipality. Nothing in this section shall be construed to limit the authority conferred upon the water supply and pollution control commission under RSA 149-E.

HB 270, relative to the construction of a Route 102 bypass in the towns of Derry and Londonderry and making an appropriation therefor. Refer for Interim Study.

The Committee voted 12-0 to send this bill for interim study. It was felt that not enough information had been made available. Rep. James C. Chamberlin for Public Works.

HB 250-FN, requiring new cogeneration facilities to use available solid municipal wastes as an energy source. Inexpedient to Legislate.

The Committee determined, from the evidence presented by witnesses, that this bill would discourage cogeneration in that solid waste is an incompatible fuel for many cogeneration plants. Vote 8-0. Rep. M. Arnold Wight, Jr. for Science and Technology.

COMMITTEE REPORTS
(Regular Calendar)

HB 298-FN, making Martin Luther King's birthday a state holiday. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee feels that the State of New Hampshire does not need, nor can it afford, another legal holiday. Vote 9-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

MINORITY: Washington's Birthday, Memorial Day, Fourth of July, Labor Day and Veterans' Day are patriotic holidays that in part celebrate the basic values on which this country was founded. Washington's birthday in particular focuses on the individual contributions of one man. The principles of freedom of expression and equality embraced by Dr. Martin Luther King, Jr. are principles already in our state and federal constitutions. Dr. King led the country in a re-affirmation that these values are an integral part of our national heritage. His birthday has become symbolic of national unity in the face of individual bigotry. Just as the other patriotic holidays have served to unify us nationally so Dr. Martin Luther King, Jr.'s birthday has become a contemporary unifying force in our country and should be celebrated in New Hampshire. (Rep. Catherine O'Brien for the Minority.)

Rep. O'Brien moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Holden, George Gordon, Hyman, and Blais spoke against the motion.

Reps. Arnesen, Parks, Burton and Wayne King spoke in favor of the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Kohl requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 60 NAYS 291
YEAS 60

BELKNAP: Zeckhausen.

CARROLL: None.

CHESHIRE. Matson, Ramsay, William Riley, Russell, Schwartz and William Sullivan.

COOS: Ottolini.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Densmore, Hutchings, Michael King and Wayne King.

HILLSBOROUGH: August, Cote, Marian Harrington, Hendrick, Chris Jacobson, Lamy, McGlynn, Nelson, Newcombe, O'Rourke, Pappas, Raiche, Reardon, Mary Sullivan, Winn and Zis.

MERRIMACK: Daniell, Alf Jacobson, Millard and Wallner.

ROCKINGHAM: Blanchard, Case, Thomas Gage, Hollingworth, Joseph MacDonald, Popov, Rosencrantz, Sanderson, Sherburne, Sloan and Vaughn.

STRAFFORD: Bryant, Burton, Diamant, Keans, Kincaid, O'Brien, Bruce Packard and Parks.

SULLIVAN: Brodeur, Paul Johnson, Lindblade and Normandin.

NAYS 291

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson and James J. White.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Kohl, Miller, Morse, Perry, Ridge, Scranton, Secord, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Horton, Lamontagne, Marsh, Theriault and York.

GRAFTON: Bennett, Blair, Christy, Driscoll, Duggan, Easton, LaMott, Mann, McAvooy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Beaupre, Bernier, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Crotty, Donovan, Ducharme, Duperron, Duprey, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Healy, Herod, Hogan, Holden, Humphrey, Hyman, Jasper, George Jones, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, Messier, Elizabeth Moore, Morrisette, Murphy, Nute, Bonnie Packard, Norman Packard, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Leonard Smith, Steiner, Turgeon, Van Loan, Vanderloek, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Anderson, Barberis, Bardsley, Bibbo, Laurent Boucher, Cailler, James Chandler, Connolly, Fraser, Gilbreth, George Gordon, Hayes, Mary Holmes, Jolley, C. William Johnson, Kidder, Arthur Locke, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, William Boucher, Burdick, Butler, Marilyn Campbell, Champoux, Lawrence Chase, Clay, Connors,

Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Magoon, Malcolm, McCain, McKinney, Benjamin Moore, Newell, Newman, Palumbo, Pantelakos, Parr, Quimby, Raynowska, Norman Rogers, Romoli, Schmidtchen, Schwaner, Seward, Simon, Skinner, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Callahan, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Laurion, Lussier, Meader, Musler, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Call, Disnard, Domini, Ingram, McKee, Mehegan, Rodeschin, Spaulding and Sara Townsend, and the motion lost.
Resolution adopted.

HB 345, relative to 4 year terms for the secretary of state and the state treasurer. Ought to Pass.

No one opposed this bill and the Committee believes it will benefit efficient administration, and over a period of years, would make the jobs more attractive to potential good applicants. Vote 11-0. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

Rep. Flanagan moved that HB 345 be recommitted to the Committee on Constitutional and Statutory Revision and spoke to her motion.
Adopted.

CACR 9, relating to limiting sweepstakes funds to educational purposes and programs. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. Inexpedient to Legislate.

This amendment is not needed as a part of our Constitution. Current statutes should take care of this situation. It is the duty of the Governor of the State of New Hampshire to insure that the intent of the enacted legislation is carried out. Vote 7-4. Rep. George E. Gordon, III for Constitutional and Statutory Revision.

Rep. Hawkins moved that CACR 9 be made a Special Order for March 21 and spoke to his motion.

On a voice vote the Speaker was in doubt and requested a division.

250 members having voted in the affirmative and 80 in the negative, the motion was adopted.

CACR 11, relating to terms of office for judges. Providing that with the exception of supreme court justices, judges shall be

appointed to 6 year terms. Inexpedient to Legislate.

Everything seems to be working well and the Judicial Committee is very active, so any judge who commits a crime will be accountable to them and the general public. Vote 10-1. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Rep. Wells moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Murphy, Flanagan, Matson and Sytek spoke against the motion.

Rep. Elmer Johnson spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 41 NAYS 308

YEAS 41

BELKNAP: Dexter and Matthew Locke.

CARROLL: Olimpio.

CHESHIRE: Blacketor, Delano, Elmer Johnson, Kohl, Thompson and Young.

COOS: None.

CRAFTON: Easton.

HILLSBOROUGH: Barry, Beaupre, Charron, Duperron, Herod, Hyman, Nute, O'Rourke, Paquette, Paradis, Pellow, Prestipino and Philip Rodgers.

MERRIMACK: Barberia, George Gordon and Arthur Locke.

ROCKINGHAM: Lawrence Chase, Clay, Ellyson, Harry Flanders, Raynowska, Schwaner, Stachowske, Walker, Warburton and Wells.

STRAFFORD: Dingle, Spear and Ralph Torr.

SULLIVAN: Domini and Ingram.

NAYS 308

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Burley, Crane, Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Morse, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord and William Sullivan.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Hutchings, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bernier, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Donovan, Ducharme, Duprey, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Cagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Bonnie Packard, Norman Packard, Pappas, Pariseau, Parmenter, Perham, Pressly, Raiche, Reardon, Francis Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Cailler, James Chandler, Connolly, Daniell, Fraser, Gilbreth, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Millard, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Champoux, Connors, Conroy, Day, Emanuelson, Felch, Flanagan, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm McCain, McKinney, Benjamin Moore, Newell, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Tufts, Vaughn, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bryant, Burton, Callahan, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelley, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Report adopted.

CACR 12, relating to supreme court advisory opinions. Providing that the supreme court must answer every question posed to it by the legislature or the governor. Refer for Interim Study.

This proposed amendment is considered to be highly controversial in nature as to the original intent of Article 74 Part 2 of the New Hampshire Constitution. Therefore, much more study must be spent on this CACR before a recommendation can be made to the full House. Vote 9-2. Rep. George E. Gordon, III for Constitutional and Statutory Revision.

Report adopted.

CACR 13, relating to power of the general court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes need not be proportional and that taxes may be imposed on a graduated scale. Inexpedient to Legislate.

The Committee feels this resolution would open the way for a state tax. Vote 9-1. Rep. Dennis H. Fields for Constitutional and Statutory Revision.

Rep. Bruce Packard moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Joseph Eaton spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 27 NAYS 322

YEAS 27

BELKNAP: Bowler.

CARROLL: Russell Chase.

CHESHIRE: Blacketor, Perry, Ramsay, William Riley and William Sullivan.

COOS: None.

GRAFTON: Copenhaver, Crory, Densmore and Stewart.

HILLSBOROUGH: Hendrick, Newcombe and Reardon.

MERRIMACK: Bardsley, Connolly, Daniell, Pannell and Walter Robinson.

ROCKINGHAM: Blanchard, Thomas Gage, Hollingworth and Raynowska.

STRAFFORD: Burton, Diamant and Bruce Packard.

SULLIVAN: Paul Johnson.

NAYS 322

BELKNAP: Birch, Bolduc, Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Burley, Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Kohl, Matson, Miller, Morse, Ridge, Russell, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini and Theriault.

CRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Driscoll, Duggan, Easton, Hutchings, Wayne King, Mann, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Beaupre, Bernier, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, Crotty, Donovan, Ducharme, Duperron, Duprey, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Kelley, Knight, Labombarde, Lamy, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Leonard Smith, Steiner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bibbo, Laurent Boucher, Cailler, James Chandler, Fraser, Gilbreth, George Gordon, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Arthur Locke, Millard, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whitemore.

ROCKINGHAM: Ames, Bangs, Benton, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Champoux, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, McCain, McKinney, Benjamin Moore, Newell, Palumbo, Pantelakos, Parr, Popov, Quimby, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan,

Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bryant, Callahan, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Report adopted.

HB 26, establishing a department of libraries and cultural affairs. Ought to Pass with Amendment.

This legislation creates a department in state government that will manage the cultural resources of the State of New Hampshire. As amended, this bill has the support of the libraries and arts communities, and additionally this bill has the support of the Department of Resources and Economic Development relative to the transfer of the historic preservation office.

The amendment changes the title, institutes a four-year term for the Commissioner and the three division Directors, nominated by the Governor with the consent of the Council, designates the Division Director of Libraries as the State Librarian, and retains the sole authority of the libraries, arts, and historical preservation councils to disburse grants and awards. Vote 20-1. Rep. V. Michael Hutchings for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a department of libraries, arts and historical resources.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-I the following new chapter:

CHAPTER 21-J

DEPARTMENT OF LIBRARIES, ARTS AND HISTORICAL RESOURCES

21-J:1 Finding; Intent. The general court finds that the state library, commission on the arts, and historic preservation office, in existence prior to the effective date of this chapter, and all of which currently function separately, are

inextricably linked because they are ultimately and fundamentally engaged in pursuits which are cultural in nature, and deserve increased visibility and recognition within state government. Therefore, in recognition of its duty under Part 2, Article 83 of the state constitution to cherish the interest of literature, and to encourage public institutions for the promotion of arts and sciences, the general court enacts this chapter creating a department of libraries, arts and historical resources. The general court intends by this action to provide for the general welfare of the citizens of the state by recognizing the essential nature of pursuits which broaden our minds and spirits and preserve our history and culture for future generations. Combining state government functions of collecting, cataloguing, and making available all manner of books and other information; encouraging and assisting the development of the arts; and preserving historical, archaeological, architectural, and cultural heritage, is intended to enhance and strengthen the role of cultural arms of state government. The general court intends that a single, strong, visible cultural agency shall assume equal status with other major departments of state government.

21-J:2 Establishment; General Functions.

I. There is hereby established a department of libraries, arts and historical resources, an agency of the state under the executive direction of a commissioner of libraries, arts and historical resources.

II. The department of libraries, arts and historical resources, through its officials, shall be responsible for the following general functions:

- (a) Providing information services to state government.
- (b) Developing and coordinating a statewide library service network.
- (c) Stimulating and encouraging public interest and participation in the study and presentation of the performing and fine arts.
- (d) Sponsoring state historic preservation activities.

21-J:3 Commissioner; Directors; Compensation.

I. The commissioner of the department of libraries, arts and historical resources shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner of libraries, arts and historical resources shall be qualified by reasons of professional competence, education and experience and may also serve as the director, division of libraries.

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Division directors shall serve for a term of 4 years. The directors of the divisions of arts and historical resources shall be qualified by reason of professional competence, education and experience. The director of the division of libraries who shall also be known as the state librarian, shall hold a

master of library science degree from an accredited library school and shall have had at least 4 years' experience in a library in an administrative capacity. An accredited library school means an institution of higher education which is accredited by the American Library Association to grant a degree of master of library science.

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a. If the commissioner also serves as the director, division of libraries, the commissioner shall receive the salary set forth in RSA 94:1-a for the commissioner of libraries, arts and historical resources.

21-J:4 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of libraries, arts and historical resources, he shall:

I. Represent the public interest in the administration of the department and be responsible to the governor, the general court and the public for such administration.

II. Except as otherwise provided for in this chapter, have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote library service, the arts, or historic preservation efforts not otherwise provided for by law.

III. Have the authority to establish a unit within his office to provide for internal department administrative functions, including financial, personnel and other management functions.

IV. Appoint such additional persons from state government and the library community to the automated information systems board established by RSA 201-A:24 as he shall deem necessary to further the purposes of the board.

V. Have authority, with regard to the administration of RSA 19-A, and with the approval of a majority of the members of the New Hampshire state council on the arts as established by RSA 19-A:2, to:

(a) Accept gifts, contributions and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the programs established pursuant to RSA 19-A.

(b) Make and sign any agreements and to do and perform any acts that may be necessary, desirable, or proper to carry out the purposes of RSA 19-A.

(c) Request and receive from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable him to carry out properly his powers and duties hereunder.

(d) Receive funds provided by the National Endowment for the Arts under the National Foundation on the Arts and the Humanities Act of 1965, and under such additional federal legislation and state appropriations as may be enacted.

(e) Allocate and disburse said funds by entering into contracts and agreements with any department, agency, or

subdivision of federal, state, county, or municipal government or any individual, foundation, corporation, association, or public authority in order to carry out the purposes of RSA 19-A, subject to approval by the governor and council.

21-J:5 Division of Libraries. There is hereby established within the department the division of libraries, which shall also be known as the state library, under the supervision of an unclassified director of libraries, who shall also be known as the state librarian and who shall be responsible for the following functions in accordance with applicable law:

I. Operating a state library in order to provide general and specific reference services, including, but not limited to, services designed to assist the general court and the judicial branch.

II. Operating an automated data processing and information center as provided for by RSA 201-A:22, I.

III. Promoting and coordinating a statewide library system.

IV. Providing for library services for the handicapped.

V. Otherwise administering the provisions of RSA title XVI.

21-J:6 Division of the Arts. There is hereby established within the department the division of the arts, under the supervision of an unclassified director of arts, who shall have either a masters degree in art administration or at least 5 years' experience administering a major cultural organization, and who shall be responsible for administering the provisions of RSA 19-A, with the primary goal of supporting and promoting the arts in all of their manifestations.

21-J:7 Division of Historical Resources. There is hereby established within the department the division of historical resources, which shall also be known as the state historic preservation office, under the supervision of an unclassified director of historical resources, who shall be responsible for administering the state historic preservation program in accordance with RSA 227-C.

21-J:8 Rulemaking Authority. The commissioner of libraries, arts and historical resources shall adopt rules, pursuant to RSA 541-A, relative to:

I. The use and control of the state library and its holdings, as authorized by RSA 201-A:9, I.

II. The automated data processing and information center, as authorized by RSA 201-A:25, II.

III. The statewide library development system, as authorized by RSA 201-D:10; provided that the rules shall be subject to ratification by the state library council established by RSA 201-A:3.

IV. Historic preservation activities, as authorized by RSA 227-C:5-a; provided that the rules shall be subject to ratification by the state historic resources council established by RSA 227-C:3.

V. Requirements for selecting art to be funded by the state art fund, as authorized by RSA 19-A:10, I, subject to

ratification by the New Hampshire state council on the arts, established by RSA 19-A.

VI. Standards for city and town libraries; provided that the state library council ratify the standards by a majority vote of all members.

21-J:9 Federal Funds. Notwithstanding any provision of law to the contrary, the state library council shall administer all federal funds collected under RSA 201-A:13; the New Hampshire state council on the arts shall administer all federal funds provided by the National Endowment for the Arts and for the state art fund established under RSA 19-A:9; and the historic resources council shall administer all federal funds provided for historic preservation under RSA 227-C.

2 Transfer of Agencies.

I. All of the functions, powers and duties of the state library, state library commission, and the state librarian in existence prior to the effective date of the transfers provided for in this section, the New Hampshire commission on the arts and the state historic preservation office within the department of resources and economic development, and the other officials of those agencies, except as otherwise provided in this act and paragraph III of this section, are hereby transferred to and vested in the commissioner of libraries, arts and historical resources appointed pursuant to this act. The transfers provided for in this paragraph shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to such effective date, the agencies, and the officials of those agencies, transferred or abolished shall retain their full power and authority.

II. The transfer of the historic preservation office provided for in paragraph I shall include all of the personnel, books, papers, records, unexpended appropriations or other funds, actions and other property or obligations of every kind formerly a part of the historic preservation office or other organizational units of the department of resources and economic development significantly involved with the administration of the duties and responsibilities set out under RSA 227-C. The commissioner of libraries, arts and historical resources shall, in consultation with the commissioner of resources and economic development, or his successor, determine and include in the implementation plan required by the laws of 1983, 372:4, III which personnel, books, papers, records, unexpended appropriations or other funds, actions and other property or obligations are significantly involved with the administration of the duties and responsibilities set out under RSA 227-C.

III. The transfer provisions of paragraph I shall apply to the state library council and the New Hampshire state council on the arts, formerly the state library commission and the New Hampshire commission on the arts, except that these councils shall be continued as advisory bodies to the division of libraries and the division of arts, respectively, and shall have the duties and responsibilities provided for in this act. The commissioner of libraries,

arts and historical resources shall seek the advice of the state library council relative to the nomination of the director, division of libraries, and shall seek the advice of the state council of the arts relative to the nomination of the director, division of arts.

IV. The transfer provisions of paragraphs I and II shall apply to the state historical resources council formerly the state historic preservation review board, except that the council shall be continued as an advisory body to the division of historic resources and shall have the duties and responsibilities provided for in this act. The commissioner of libraries, arts and historical resources shall seek the advice of the council relative to the nomination of the director, division of historical resources.

V. The incumbent members of the state library commission, the New Hampshire commission on the arts, and the state historic preservation review board shall continue to hold office on their successor councils for the term for which each member was appointed and commissioned.

3 Transition Procedure. The transition procedure to be followed in implementing the new department established by this act shall be as specified in the laws of 1983, 372:2; 372:3; 372:4; and 372:5; and in RSA 21-G.

4 Commissioner-Designate.

I. The governor, with the consent of the council, may appoint the commissioner of libraries, arts and historical resources on or after July 1, 1985. The individual so appointed shall be known as the commissioner-designate until the department of libraries, arts and historical resources becomes operational on the date set according to the laws of 1983, 372:5, II.

II. The commissioner-designate shall assume his full powers and duties under the law when the department of libraries, arts and historical resources becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the commissioner-designate shall perform only the duties prescribed by the laws of 1983, 372:4; 372:5; and RSA 17-L. During the period when he is preparing his implementation plan, the commissioner-designate shall be permitted to choose one clerical person from any of the agencies scheduled for transfer to his department to assist him on a full-time basis.

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in section 42 of this act during the transition period.

5 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the department of libraries, arts and historical resources.

6 Reference Changes.

1. As of the effective date for the department of libraries, arts and historical resources set pursuant to the laws of 1983, 372:5, II, the references listed below are hereby changed as follows:

(a) All references to the "commission" or the "state library commission" in RSA 201-A, with the specific exceptions of RSA 201-A:3, 201-A:4, 201-A:5, 201-A:6, 201-A:7, 201-A:8, and 201-A:13 and in RSA 201-B shall be changed to read "commissioner of libraries, arts and historical resources."

(b) All references to the "commission" in RSA 201-D shall be changed to read "commissioner."

(c) All references to the "commission" in RSA 19-A:8, 19-A:11 and 19-A:12 shall be changed to read "commissioner."

(d) All references to the "department of resources and economic development" in RSA 227-C shall be changed to read "department of libraries, arts and historical resources."

(e) All references to the "director of the office" and all references to the "office" or "state historic preservation office" in RSA 227-C shall be changed to read "director of historical resources" or "division" as the context requires.

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

7 State Library. Amend RSA 201-A:1 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:1 State Library. There shall be a state library as provided for in RSA 21-J:5.

8 Library Commission Renamed; State Library Council. Amend RSA 201-A:3 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:3 Council; Qualifications. The state library council shall consist of 6 members of whom 5 shall be appointed by the governor with the advice and consent of the council and one as provided in RSA 201-A:6. No more than 3 of the appointed members shall be of the same political party and one member shall be a member of the New Hampshire bar.

9 Reference Change; Library Council. Amend RSA 201-A:4 (supp) as inserted by 1963, 21:1 as amended by striking out said section and inserting in place thereof the following:

201-A:4 Tenure. The term of office of each appointive council member shall be 5 years and until his successor is appointed

and qualified. In case of a vacancy other than by the expiration of the term, the appointment of a successor shall be made for the balance of the term. No appointive member shall be appointed to serve more than 2 consecutive terms.

10 Reference Change; Library Council. Amend RSA 201-A:5 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:5 Removal. Any council member may be removed from office in accordance with the provisions of RSA 4:1.

11 Reference Change; Library Council. Amend RSA 201-A:6 (supp) as inserted by 1963, 21:1 as amended by striking out said section and inserting in place thereof the following:

201-A:6 Member of State Board of Education. In addition to the 5 appointive members of the state library council, the state board of education shall select a sixth member to serve as a voting member on the council. The sixth member may be a member of the state board of education or anyone else the state board may select to represent it and shall serve no more than 2 consecutive terms.

12 Reference Change; Library Council. Amend RSA 201-A:7 and 8 as inserted by 1963, 21:1 by striking out said sections and inserting in place thereof the following:

201-A:7 Organization. The council shall adopt bylaws for its internal organization and operation. The state librarian shall serve as secretary to the council and shall keep an accurate and complete record of all its meetings.

201-A:8 Compensation. The appointive members of the council shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties.

13 Meetings of Commission. Amend RSA 201-A by inserting after section 8 the following new section:

201-A:8-a Meetings of Council. The state library council shall meet at least quarterly, and at such other times as it deems necessary, in order to advise the state librarian and the commissioner of the department of libraries, arts and historical resources on all matters pertaining to the state library or other library issues.

14 Powers of State Librarian. Amend RSA 201-A:9 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:9 Powers and Duties of State Librarian. The state librarian, also known as the director of libraries, shall, in addition to the other powers, duties and responsibilities provided by law:

I. Preserve a sufficient number of copies of all official reports, documents, and records including those enumerated in RSA 20 and in RSA 505 to be deposited in the state library.

II. Collect and analyze statistics and undertake research pertaining to libraries and make the resultant findings available to all public, school and institutional libraries within the state.

III. Publish and submit to the commissioner a biennial report of its activities and of the status and needs of

the library as reported by the state librarian, including recommendations for improving library service.

IV. Issue a publication at least 4 times a year which shall contain general and specific information to improve library management. It shall be distributed under the direction of the state librarian.

V. Purchase books and related materials for the state library, subject to RSA 8:25, VI.

VI. Operate a cataloging service for the benefit of the statewide development system.

15 Title Revision. Amend the caption and introductory paragraph of RSA 201-A:10 as inserted by 1963, 21:1 by striking out said caption and paragraph and inserting in place thereof the following:

201-A:10 State Librarian; Authority. In addition to the duties imposed by law, the state librarian may, subject to the approval of the commissioner:

16 Authority. Amend RSA 201-A:10, III as inserted by 1963, 21:1 by striking out said paragraph and inserting in place thereof the following:

III. Act as custodian for the state of collections of books, pamphlets, maps, manuscripts and other materials, upon such terms as seem proper.

17 Acceptance of Federal Funds. Amend RSA 201-A:13 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:13 Acceptance of Funds. The council may receive, accept and administer any money granted by the federal government providing, equalizing or strengthening a state-wide system of library service in New Hampshire. Any gift or grant from the federal government shall be deposited in the state treasury and credited to a special fund which shall be continuous and shall not lapse. All moneys so deposited shall be paid out by the treasurer on a warrant of the governor and council for services approved by the council which will improve and equalize library service in this state.

18 Assistant State Librarian; Appointment. Amend RSA 201-A:16, as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:16 Assistant State Librarian.

I. The state librarian, in the event that he also serves as the commissioner of libraries, arts, and historical resources, shall appoint an assistant state librarian, who shall serve at the pleasure of the state librarian.

(a) The assistant state librarian shall be a graduate of an accredited library school and shall be qualified for the position by reason of experience.

(b) The salary of the assistant state librarian shall be as specified in RSA 94:1-a.

II. The assistant state librarian shall perform such duties with regard to administering the operations of the state library as the state librarian shall direct. He shall also act as state librarian if the state librarian is unable to do so.

19 Reference Change. Amend RSA 201-A:20 as inserted by 1963, 21:1 as amended by striking out said section and inserting in place thereof the following:

201-A:20 Building and Facilities. The state library shall control all space in the state library building. The department of administrative services shall maintain the state library building and grounds in suitable repair and condition for use by the state library.

20 Automated Data Processing and Information Center. Amend RSA 201-A:22, I (supp) as inserted by 1983, 271:1 by striking out said paragraph and inserting in place thereof the following:

I. There shall be an automated data processing and information center as part of the state library operated by the division of libraries in the department of libraries, arts and historical resources. The state librarian shall oversee the functioning and maintenance of the center.

21 Data Processing Solutions. Amend RSA 201-A:23, II (supp) as inserted by 1983, 271:1 by striking out said paragraph and inserting in place thereof the following:

II. Allow New Hampshire libraries to utilize distributed data processing solutions which satisfy end-user needs within the policies and procedures which are developed by the commissioner of libraries, arts and historical resources.

22 Board. Amend RSA 201-A:24 (supp) as inserted by 1983, 271:1 by striking out said section and inserting in place thereof the following:

201-A:24 Automated Information Systems Board; Membership. There is hereby established the New Hampshire automated information systems board. The board shall consist of the assistant state librarian or an employee of the division of libraries, an additional employee of the division of libraries engaged in technical library services as designated by the commissioner of libraries, arts and historical resources, one representative appointed by the speaker of the house, one senator appointed by the senate president, one academic librarian appointed by the executive board to the academic librarians chapter of the New Hampshire library association, 2 public librarians appointed by the executive board of the New Hampshire library association, one librarian representing special libraries to be appointed by the state librarian, one school librarian appointed by the executive board of the New Hampshire educational media association, one attorney who shall be a member of the New Hampshire bar, and such additional persons from state government and the library community as the commissioner of the department of libraries, arts and historical resources shall deem necessary to further the purposes of this subdivision. The 2 employees of the division of libraries shall be ex-officio members of the board. Each appointed member of the board shall serve staggered 3 year terms. Of the initial appointees, 1/3 shall serve a term of one year, 1/3 shall serve a term of 2 years, and 1/3 shall serve a term of 3 years. If the total number of appointees is not divisible by 3, the initial appointments

shall be made so as to ensure staggered 3-year terms. Each member so appointed shall hold office until his successor shall be appointed and qualified.

23 Meetings of Board. Amend RSA 201-A by inserting after section 24 the following new section:

201-A:24-a Meetings of Board. The board shall meet at least quarterly, and at such other times as it deems necessary, in order to advise the commissioner of libraries, arts and historical resources on all matters pertaining to the operation of the center.

24 Duties of Commissioner. Amend RSA 201-A:25 (supp) as inserted by 1983, 271:1 by striking out said section and inserting in place thereof the following:

201-A:25 Duties of Commissioner. The commissioner of libraries, arts and historical resources shall have the following duties:

I. To establish specific objectives and definitive policies designed to guide the development of electronic data processing systems, procedures, and techniques for a statewide information network under RSA 201-A:23 involving libraries and state agencies.

II. To adopt rules, pursuant to RSA 541-A, relative to the functioning and maintenance of the center established under RSA 201-A:22.

III. To develop policies and plans which fully recognize the interrelationships and impact of state activities on local governments and on agencies of the federal government, and which represent the best interests of all New Hampshire's citizens.

IV. To develop policies and plans which will enhance the use of electronic data processing for resources management of books, documents, and other materials within state government and among all New Hampshire libraries which encompass both short-term and long-range needs, and which shall be continually updated.

V. To ensure that the policies and goals stated in paragraphs I, II and III provide for the:

(a) Optimum utilization of electronic information processing equipment.

(b) Adherence to standards ensuring appropriate compatibility of systems and interchange of data and information.

(c) Proper management controls to ensure the most efficient, effective, and economical use of the state's information resources and electronic data processing.

VI. To encourage distributed data processing so that a portion of the computing capability and data of the system is located as close to the user as is practical, while at the same time retaining the ability to consolidate and share this information with other state agencies through data communications network facilities.

VII. To ensure that goals such as the collection of data, minimum duplication of records, and maximum availability of information at lowest overall cost will not jeopardize or compromise the confidentiality of information as provided by statute or the

protection of the right of individual privacy as established by law.

VIII. To take advantage of, apply for, and receive any and all assistance, information, research, investigations, surveys, grants, appropriations, or allocations of funds, state or federal, made available for the center or any related or allocated purposes from any source.

IX. Execute any agreements which may be required under this section, subject to the provisions of RSA 4:15.

25 Definitions. Amend RSA 201-D:1, IV (supp) as inserted by 1981, 499:2 by striking out said paragraph and inserting in place thereof the following:

IV. "Commissioner" means the commissioner of libraries, arts and historical resources.

26 Rulemaking. Amend the introductory paragraph of RSA 201-D:10 (supp) as inserted by 1981, 499:2 by striking out said paragraph and inserting in place thereof the following:

The commissioner shall adopt rules under RSA 541-A and after public hearing, and subject to ratification by the state library council, relative to:

27 Reference Change; State Council on the Arts. Amend RSA 19-A:2 (supp) as inserted by 1965, 194:1 as amended by striking out said section and inserting in place thereof the following:

19-A:2 Council Created. A state council, to be known as the New Hampshire state council on the arts, is hereby created and established. The council shall consist of 15 members, broadly representative of all fields of the performing and fine arts, to be appointed by the governor with the advice and consent of the council from among private citizens who are widely known for their professional competence and experience in connection with the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups, concerned with or engaged in the production or presentation of the performing and fine arts generally.

28 Reference Change; State Council on the Arts. Amend RSA 19-A:3-5 as inserted by 1965, 194:1 by striking out said sections and inserting in place thereof the following:

19-A:3 Terms of Office. The term of office of each member shall be 5 years, provided, however, that of the members first appointed, 3 shall be appointed for terms of one year, 3 for terms of 2 years, 3 for terms of 3 years. The governor shall designate a chairman from the members of the council, to serve as such. The chairman shall be the chief executive officer of the council. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

19-A:4 Compensation. No member of the council shall receive any compensation for his services.

19-A:5 Duties. The duties of the council shall be:

I. To stimulate and encourage throughout the state the study and presentation of the performing and fine arts

and public interest and participation therein.

II. To make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state.

III. To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources.

IV. To advise the commissioner of libraries, arts and historical resources in all matters concerning the arts.

V. To meet at least quarterly and at such other times as it deems necessary.

VI. To hold public hearings as it deems necessary.

VII. To administer any federal funds received from the National Endowment of the Arts and the art fund established under RSA 19-A:9.

29 Reference Change; State Council on the Arts. Amend RSA 19-A:7 (supp) as inserted by 1965, 194:1 as amended by striking out said section and inserting in place thereof the following:

19-A:7 Reports. The council shall make biennial reports to the governor and council.

30 Definition. Amend RSA 19-A:8, II (supp) as inserted by 1979, 437:2 by striking out said paragraph and inserting in place thereof the following:

II. "Commissioner" means the commissioner of libraries, arts and historic resources.

31 Powers and Duties. Amend RSA 19-A:10 (supp) as inserted by 1979, 437:2 by striking out said section and inserting in place thereof the following:

19-A:10 Powers and Duties of Commissioner. The commissioner shall have the following powers and duties relative to this subdivision:

I. To adopt rules, pursuant to RSA 541-A, with the advice of the New Hampshire state council on the arts, relative to the selection and placement of art purchased through the state art fund established in this subdivision.

II. To select, with the advice of the New Hampshire state council on the arts, state buildings and facilities as appropriate sites for works of art.

III. To acquire insurance when he deems such insurance necessary for the protection of the works of art purchased, subject to the provisions of RSA 21-I:8, II(e).

IV. To establish selection committees of interested citizens and experts to assist in the carrying out of the provisions of this chapter. The selection committees may include the project architect, a representative of the agency involved, a professional artist, and local citizen. The members of the selection

committee shall serve without pay, but may be compensated for mileage by the department of libraries, arts and historic resources.

32 Reference Change. Amend RSA 19-A:11 (supp) as inserted by 1979, 437:2 by striking out said section and inserting in place thereof the following:

19-A:11 Repairs to Works of Art. Except in the buildings or facilities covered under RSA 14:14-b, no conservation, restoration, repair, or removal of any work of art purchased under the provisions of this subdivision shall be undertaken without the approval of the commissioner, who shall seek the advice of the New Hampshire state council on the arts on any such matter.

33 Reference Change; Historic Preservation Officer. Amend RSA 227-C:2, IV and V as inserted by 1974, 32:1 by striking out said paragraphs and inserting in place thereof the following:

IV. "Council" shall mean the state historical resources council.

V. "State historic preservation officer" shall mean the director, division of historical resources, department of libraries, arts and historical resources.

34 State Archeologist. Amend RSA 227-C:2, VIII (supp) as inserted by 1981, 504:1 by striking out said paragraph and inserting in place thereof the following:

VIII. "State archeologist" shall mean the member of the professional staff designated by the director of the division of historical resources with the approval of the commissioner to develop, supervise, and coordinate activities necessary to discharge and integrate the powers and duties of the division in the field of archeology as mandated by federal and state laws and procedures.

35 Historic Preservation Office. Amend RSA 227-C:3 as inserted by 1974, 32:1 by striking out said section and inserting in place thereof the following:

227-C:3 State Historic Preservation Office. The division of historical resources, department of libraries, arts and historical resources established by RSA 21-J:7 shall also be known as the state historic preservation office. The director, division of historical resources shall also be known as the state historic preservation officer.

36 Administration. Amend RSA 227-C:4 (supp) as inserted by 1974, 32:1 as amended by striking out said section and inserting in place thereof the following:

227-C:4 Administration.

I. The director, subject to the approval of the commissioner, shall conduct any relations with the representatives of the federal government and the respective states with regard to matters of historic preservation.

II. The director, subject to the approval of the commissioner, may employ such professional personnel as required, subject to the personnel laws of the state and within budgetary limitations.

III. Consultants, as required, subject to budgetary limitations, may be employed by the director, with the approval of the commissioner.

IV. With the approval of the commissioner, the director may organize councils to assist the office as necessary, such as, but not limited to, an advisory archeological council of professional archeologists and representatives of professional and amateur societies. All members of the councils shall serve without compensation.

V. The director may employ or otherwise engage certified avocational archeologists to assist in the performance of field investigations under the direct supervision of the division, or those authorized by the commissioner, and to assist in information exchange and historic preservation with towns and communities, subject to personnel laws, budgetary limitations, grant restrictions, and approval of the commissioner.

37 Historic Preservation Review Board Renamed; Historical Resources Council. Amend RSA 227-C:6-9 as inserted by 1974, 32:1 by striking out said sections and inserting in place thereof the following:

227-C:6 Establishment of a State Historical Resources Council. There is hereby established a state historical resources council which shall be the only state historical resources council. The membership of the council shall consist of the governor, or his designee; the director of historical resources, who shall be non-voting members; and 9 members of the public appointed by the governor and council, at least 3 of whom shall be qualified in the field of architecture, history and archeology; and the others shall be qualified in other fields including but not limited to law, real estate, planning, architectural history and historic preservation. The public members shall serve a term of 5 years; however, on the initial appointment, 3 shall be appointed for 2 years, 2 appointed for 3 years, 2 appointed for 4 years, and 2 appointed for 5 years. Each shall serve until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term.

227-C:7 Powers and Duties of the Council. The council shall have the power and duty to:

I. Approve nominations to the national register of historic places.

II. Review and recommend the approval of the state survey of historic properties undertaken in accordance with the provisions of this chapter.

III. Review and approve the contents of the state historic preservation plan developed pursuant to the provisions of this chapter.

IV. Review and recommend application by the division for federal and other available funds.

V. Review and recommend the removal of properties from the national register.

VI. Otherwise act in an advisory capacity to the division of historical resources.

VII. Administer all federal funds received for historic preservation.

227-C:8 Organization. The council shall elect a chairman and vice-chairman and

establish such rules of procedure as it deems necessary.

227-C:9 Expenses. All members of the council shall serve without compensation but may receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the council.

38 Reference Change. Amend RSA 227-C:11, II(d) (supp) as inserted by 1981, 504:5 by striking out said subparagraph and inserting in place thereof the following:

(d) Any object, or group of objects, and the district, area, or site they define, which may yield significant data but whose value and significance has yet to be determined by the division;

39 Reference Change; Hearings. Amend RSA 227-C:13, V (supp) as inserted by 1981, 504:5 by striking out said paragraph and inserting in place thereof the following:

V. The commissioner may conduct hearings upon receiving written complaint from any person, including a council member, concerning the issuance, denial of issuance, revocation, suspension, extension, or refusal of extension of any permit issued under this chapter.

40 Reference Change; Rulemaking. Amend the introductory paragraph of RSA 227-C:14, III (supp) as inserted by 1981, 504:5 by striking out said paragraph and inserting in place thereof the following:

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the fair and equitable division of historic resources recovered from a permitted field investigation, provided that:

41 Discontinuance of Library. Amend RSA 202-A:18 as inserted by 1963, 46:1 by striking out said section and inserting in place thereof the following:

202-A:18 Discontinuance of Library. Any town now maintaining a public library established by expenditure of town funds may by majority vote at a regular town meeting discontinue said library. In case of such discontinuance, the library property of the town may be loaned or disposed of by the library trustees, subject to the approval of the commissioner of libraries, arts and historical resources. The provisions of this section shall not apply in cases where a public library has been acquired by the town in whole or in part by donation or bequest.

42 Salaries.

I. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by striking out:

(a) In Group K, executive director, commission on the arts.

(b) In Group N, state librarian.

II. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting the following:

(a) In Group O, commissioner, libraries, arts and historical resources.

(b) In Group K, director, division of the arts; director, division of historical resources.

43 Repeals. The following are hereby repealed:

I. RSA 19-A:6, relative to powers of the New Hampshire commission on the arts.

II. RSA 201-A:12; 201-A:14; 201-A:15; and 201-A:17, relative to the state library commission, the state librarian and the assistant librarian.

III. RSA 227-C:5, III and 227-C:5, XI, relative to federal funds for historic preservation.

44 Effective Dates.

I. Sections 1, 2, I, 2, II, 3, 4, 5, 6 and 42, II(a) of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect when the department of libraries, arts and historical resources becomes operational on the date set according to laws of 1983, 372:5, II.

Amendment adopted.

Ordered to third reading.

HB 337, relative to the filing period for declarations of candidacy and for party committees. Ought to Pass.

The Committee believes that the change in time for filing a declaration of candidacy will clarify the nomination process and enable party committees to fill ballot vacancies before the expiration of the filing period. Vote 9-0. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

Rep. Rounds offered an amendment.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Changing Filing Period for Declaration of Candidacy. Amend the introductory paragraph of RSA 655:14 (supp) as inserted by 1979, 436:1 as amended by striking out in line 7 the words "third Wednesday in June" and inserting in place thereof the following (Friday of the following week) so that said paragraph as amended shall read as follows:

The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

The Clerk read the amendment.

Rep. Rounds explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 93, relative to polygraph tests. Inexpedient to Legislate.

The Committee believes that the intent of the bill's sponsor is laudable, however, there is a clear and legitimate need by private employers to use polygraph tests as one of many methods to ascertain the truth. A good example of this is in our defense-related industries where the polygraph is used

to detect cases of theft and espionage. In addition, there is another house bill which addresses any concerns of abuse by requiring the licensing of polygraph examiners. Vote 10-3. Rep. Marc Chretien for Judiciary.

Rep. August moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and withdrew his motion. Resolution adopted.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 6, 14, 9, 16 and 19, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 20, adopting the uniform transfers to minors act. (Judiciary)

SB 6-FN, making a supplemental appropriation to the real estate commission. (Appropriations)

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding. (Judiciary)

SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears. (Fish and Game)

SB 16, relative to the statute of limitations for personal actions. (Judiciary)

SB 19-FN, relative to expending fines and forfeitures collected for fish and game violations on certain rewards. (Fish and Game)

PERSONAL PRIVILEGE

Rep. Ward addressed the House under personal privilege.

Thank you Mr. Speaker, colleagues.

This is the first time I have come to the microphone in this session and those of you who were here before are probably surprised that I have been so quiet. I have been preoccupied obviously with reorganization. We debated this morning and again early this afternoon to talk to you about the bill that you have already passed creating a new Department of Libraries, Arts and Historic Affairs. It didn't seem necessary because you've all been mailed a copy and have been extremely supportive and extremely enthusiastic.

I did not feel that we should let pass the fact that you have passed your first piece of reorganization legislation in this session. It did not come to you in a package like the budget comes, take it or leave it. It did not come to you overwhelmingly. It did not come to you in any other frame except that in the usual and customary legislative process--public

hearings, input, subcommittee work, working with all of the affected people, both the players themselves and the policy committee that would ordinarily have jurisdiction in these areas--all of the legislative processes. It did not come as a camel; it didn't come with two heads. It came as a usual bill.

Now, why I asked personal privilege was to call your attention to what you've done today, and we thank you for it, and you're going to thank yourselves for it because it is a good piece of legislation. As the session goes by, we will be bringing out other bills and you will be asked in the regular process of addressing each of those bills individually. Some you may like better than others. Some you may not like at all and some you may be very enthusiastic about. That will be your choice.

However, what I do call your attention to is a mailing that went to every single one of you legislators from an elected person on the Executive Branch of Government, not a fellow legislator, but the third co-equal branch of the government, that was filled with so much misinformation that it cannot go unchallenged.

I believe one of the main things was the point that has been made over and over again by this individual in the airwaves, the weekly newspapers, the throw-a-way shoppers and in every other means possible, even though that person has sat down and been briefed through the whole council, been briefed through all of the bills, been briefed in any area possible. The misinformation continues to be repeated.

The anniversary of reorganization by you, the legislator, not the Executive Branch, not by a consultant hired from out-of-state to come in and tell us what we need, but, by ourselves--the Legislature, looking at the government that we have created and we fund.

This is the anniversary. It is five years ago this March, under House Speaker George Roberts, that this was first addressed--the second half of the 1979 Session. I personally was not even a player. I was gliding along lovely as the Chairman of Regulated Revenues, not knowing what was happening to the government as a whole.

I then came on board in 1981. I assure you that between '81 and as I stand here today, your Joint Committee on Reorganization took one month off each of the intervening summers. There is no bill, including the one that you voted on today, that will come before you that has less than two full years and many of which have three and a half, and we are now into the fourth year of study, of evaluation, meeting with the players, and what we call sugaring down.

Our first task was to lay out in one document the entire State Government. That's no easy task; it took a long time to even find all of our State Government. From there, we are now long passed the fourth revision, not that we keep changing our mind every day, but the sugaring down that comes when you try to address the entire State Government functionally, not policy, functionally--how it will work--duplication, overlapping, best use of our equipment, best

use of our computer technology, best use of our personnel on a functional basis. We don't know all of the players; we don't want to know all of the players. We are not doing it on personalities; we are not doing it on vested interest; we are not doing it on bias. We are trying and endeavoring, in every manner possible, to look at it functionally, and, I believe that as each piece of legislation comes before you it will bear your careful look, your evaluation--we are listening to you, we are working with the policy committees, we are revising wherever possible to work out something that would functionally address our state government.

We have grown from less than 80 agencies in 1970, 15 years later as I stand here this afternoon, to an identified 159; there are still a few more out there that we are really not quite sure about. Those are separate units of government that have a budget; they have personnel; they have equipment; they have a life expectancy on end in the state government. That is not to say that anything is going to be automatically eliminated or done away with. We are coming to you with the proposals. All we ask is that you as good legislators--you elected to run for office from this branch of government--and your responsibility is to make the laws by which this state is served and this government operates; and, I feel ever-confident that you will do exactly that. I thank you.

Rep. Sytek moved that Rep. Ward's remarks be printed in the Journal.
Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 19 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 126-FN, relative to sunset review of state office administration.

HB 182-FN, relative to sunset review of office of ombudsman.

HB 72, relative to the submission and certification of nomination papers and the filing period for declarations of candidacy.

HB 337, relative to the filing period for declarations of candidacy and for party committees.

HB 137-FN, relative to sunset review of the New Hampshire network.

HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts.

HB 155-FN, relative to sunset review of the governor's commission for the handicapped.

HB 26, establishing a department of libraries, arts and historical resources.

HB 261, relative to out-of-state back-up ambulance services.

HB 283-FN, continuing nursing home cost incentive programs.

HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes.

HB 276, relative to powers of attorney.

HB 229, relative to safe and adequate septic systems.

HCR 9, inviting Chief Justice King to address a joint convention on the state of the Judiciary.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolled Bills Reports only.

Adopted.

The House recessed at 3:30 p.m.

RECESS

(Rep. Rounds in the Chair)

Rep. Robert Johnson offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 600, 628 through 730, and House Bills of Intent numbered 2015 and 2016, and House Resolutions numbered 22 through 24, and House Concurrent Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS,

HBIs, HCR and HRs

First, second reading and referral

HB 600, making appropriations for capital improvements. (Bibbo of Merrimack Dist. 3; Walter of Grafton Dist. 13; Chamberlin of Strafford Dist. 4; White of Belknap Dist. 1; LaMott of Grafton Dist. 5; Freese of Dist. 4; Stabile of Dist. 12 - To Public Works)

HB 628, certifying clinical mental health counselors. (Kinhan of Merrimack Dist. 14; Hager of Merrimack Dist. 21; Nelson of Hillsborough Dist. 31; Griffin of Dist. 24; Lessard of Dist. 21 - To Executive Departments and Administration)

HB 629-FN, to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county commissioners. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 630-FN, relative to workers' compensation for call firemen, special duty police officers, and members of the general court. (Skinner of Rockingham Dist. 21; Rounds of Grafton Dist. 10 - To Labor, Industrial and Rehabilitative Services)

HB 631-FN, imposing civil liability upon state agencies for damage to the environment or public health caused by an agency's failure to adequately enforce permit requirements. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 632-FN, establishing a printed materials revolving fund at the department of education. (Boucher of Rockingham Dist. 23 - To Education)

HB 633, relative to school building authority. (Boucher of Rockingham Dist. 23 - To Education)

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison. (Parker of Cheshire Dist. 11; Sytek of Rockingham Dist. 20 - To State Institutions and Housing)

HB 635-FN, requiring that pictorial warning labels be placed on liquor and alcoholic beverage containers. (Lamontagne of Coos Dist. 7 - To Regulated Revenues)

HB 636-FN, relative to current use assessment. (Taffe of Grafton Dist. 6 - To Environment and Agriculture)

HB 637-FN, regarding changes in the timber tax laws. (Matson of Cheshire Dist. 7; Schotanus of Sullivan Dist. 1; Scanlan of Grafton Dist. 11; Wiggins of Dist. 8; White of Dist. 11 - To Municipal and County Government)

HB 638, permitting the state, counties and municipalities to contract with private entities for the construction, operation, supervision and maintenance of government-operated facilities. (Knight of Hillsborough Dist. 6; Palumbo of Rockingham Dist. 10; White of Belknap Dist. 1 - To State Institutions and Housing)

HB 639-FN, relative to the board of registration in medicine. (Walter of Grafton Dist. 13; Townsend of Sullivan Dist. 1; Freese of Dist. 4 - To Executive Departments and Administration)

HB 640, merging Merrimack Valley college into the university system of New Hampshire. (Boucher of Rockingham Dist. 23; Taffe of Grafton Dist. 6; O'Rourke of Hillsborough Dist. 35; Steiner of Hillsborough Dist. 33; Van Loan of Hillsborough Dist. 11; St. Jean of Dist. 20; Johnson of Dist. 17; Stephen of Dist. 18; Podles of Dist. 16 - To Education)

HB 641-FN, relative to the reimbursement of utilities for relocation costs. (LaMott of Grafton Dist. 5; Lessard of Dist. 21 - To Public Works)

HB 642, relative to bonding of subsurface disposal system designers and installers. (Raynowska of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 643, adding representatives from postsecondary vocational-technical education to the postsecondary education commission. (Taffe of Grafton Dist. 6; Lessard of Dist. 21 - To Education)

HB 644, relative to child abuse reporting. (Pantelakos of Rockingham Dist. 24; Clay of Rockingham Dist. 28; Chase of Rockingham Dist. 28; Romoli of Rockingham Dist. 19 - To Children, Youth and Elderly Affairs)

HB 645-FN, relative to discretionary easements under RSA 79-A. (Johnson of

Cheshire Dist. 3 - To Environment and Agriculture)

HB 646-FN, relative to low number motor vehicle license plates. (Chambers of Grafton Dist. 12 - To Transportation)

HB 647-FN, requiring that the sentence for repeat offenders of the aggravated felonious sexual assault of children law shall be life imprisonment without parole. (Ahrens of Hillsborough Dist. 13; Tamposi of Hillsborough Dist. 27; Nelson of Hillsborough Dist. 31; Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33 - To Children, Youth and Elderly Affairs)

HB 648-FN, relative to property tax exemptions for senior citizens. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 649-FN, relative to private sector employee labor relations. (Wells of Rockingham Dist. 5; Raynowska of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 650-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. (King of Grafton Dist. 6; Hutchings of Grafton Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 651-FN, relative to screening for long term care. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 652-FN, relative to hazardous waste siting procedures and use of the hazardous waste fund. (Greene of Rockingham Dist. 18; Bowler of Belknap Dist. 2 - To Environment and Agriculture)

HB 653-FN, adopting the model small business equal access to justice act. (Burns of Coos Dist. 5; Scamman of Rockingham Dist. 19; Brungot of Coos Dist. 8; Rodgers of Hillsborough Dist. 19; Heath of Dist. 3; Bartlett of Dist. 19 - To Commerce, Small Business and Consumer Affairs)

HB 654, relative to simple assault of children under the age of 13. (Ahrens of Hillsborough Dist. 13; Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33; Nelson of Hillsborough Dist. 31 - To Children, Youth and Elderly Affairs)

HB 655-FN, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance. (King of Grafton Dist. 12 - To Executive Departments and Administration)

HB 656, regulating rent increases in manufactured housing parks. (King of Grafton Dist. 6 - To State Institutions and Housing)

HB 657-FN, relative to wetlands protection and enforcement. (Bardsley of Merrimack Dist. 1; Blair of Grafton Dist. 8; Hendrick of Hillsborough Dist. 12; King of Grafton Dist. 6; Scanlan of Grafton Dist. 11; Hough of Dist. 5; Johnson of Dist. 17 - To Resources, Recreation and Development)

HB 658-FN, relative to private security agencies. (Eaton of Cheshire Dist. 4 - To Public Protection and Veterans Affairs)

HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws. (Skinner of

Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 660-FN, relative to benefits for part-time state employees. (Skinner of Rockingham Dist. 21; Chambers of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 661-FN, establishing a committee to study alternatives to the present site evaluation committee. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

HB 662, relative to health insurance coverage. (Kohl of Cheshire Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 663-FN, relative to the right of attendance at public schools for certain children in homes for children. (Guay of Coos Dist. 7 - To Education)

HB 664-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (Bangs of Rockingham Dist. 7; Burdick of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; Bartlett of Dist. 19 - To Transportation)

HB 665-FN, relative to the definition of "legal custody" for educational purposes. (Taffe of Grafton Dist. 6 - To Education)

HB 666-FN, relative to school district budgets. (Taffe of Grafton Dist. 6; Boucher of Rockingham Dist. 23 - To Education)

HB 667, amending the definition of accident as it applies to automobile insurance. (Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 668-FN, relative to the establishment of capital reserve funds for the acquisition of land. (Whittemore of Hillsborough Dist. 18 - To Municipal and County Government)

HB 669, relative to heart and lung disease in firefighters. (Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 670-FN, relative to heart, lung, and cancer disease in firefighters. (Gage of Rockingham Dist. 20 - To Labor, Industrial and Rehabilitative Services)

HB 671-FN, relative to providing access to land. (Jones of Hillsborough Dist. 6 - To Public Works)

HB 672-FN, relative to special number plates for radio amateurs. (Labombard of Hillsborough Dist. 22 - To Transportation)

HB 673, revising the 39 week extension of health insurance benefits to terminated employees. (Christy of Grafton Dist. 11 - To Labor, Industrial and Rehabilitative Services)

HB 674, relative to interest rates on overdue utility bills. (Daniell of Merrimack Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 675-FN, relative to unemployment compensation. (Densmore of Grafton Dist. 3; King of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 676, relative to purchases by and charges of certain electric utilities. (Pevear of Rockingham Dist. 17; Hollingworth of Rockingham Dist. 17; Parr of Rockingham Dist. 17; Walker of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 677-FN, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act. (Fields of Hillsborough Dist. 13 - To Judiciary)

HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations. (Burns of Coos Dist. 5; Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 679, requiring evidence of declination prior to issuance of surplus lines policies. (Burns of Coos Dist. 5; Packard of Hillsborough Dist. 15 - To Consumer, Small Business and Consumer Affairs)

HB 680-FN, relative to returnable containers. (Whittemore of Hillsborough Dist. 18 - To Ways and Means)

HB 681, prohibiting game machines with cancellation buttons or cancellation keys. (MacDonald of Carroll Dist. 6; Copenhaver of Grafton Dist. 12; Podles of Dist. 16 - To Judiciary)

HB 682, relative to gambling and restricting the use of certain amusement machines. (MacDonald of Carroll Dist. 6; Copenhaver of Grafton Dist. 12; Podles of Dist. 16 - To Judiciary)

HB 683, prohibiting towns and cities from licensing video poker, video blackjack, and similar machines. (MacDonald of Carroll Dist. 6 - To Municipal and County Government)

HB 684, relative to public employee collective bargaining. (Normandin of Sullivan Dist. 8; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5 - Labor, Industrial and Rehabilitative Services)

HB 685-FN, creating a single state district court and abolishing all remaining municipal courts. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 686-FN, relative to information required on birth, marriage, and death certificates. (Dickinson of Carroll Dist. 2 et al - To Constitutional and Statutory Revision)

HB 687-FN, relative to campaign financing. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 688-FN, establishing past performance review and bonding in the licensing of solid and hazardous waste operators and land excavators. (Joslyn of Rockingham Dist. 20; Johnson of Dist. 17 - To Environment and Agriculture)

HB 689, establishing a department of natural resources. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 690, establishing a reorganized department of safety. (Ward of Grafton Dist. 1; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 691-FN, relative to the definition of a legal resident of New Hampshire. (Chandler of Carroll Dist. 1 - To Constitutional and Statutory Revision)

HB 692-FN, relative to contribution rates for unemployment compensation. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 693, providing minimum occupational health and safety standards for the

operation of video display terminals at places of employment. (O'Brien of Strafford Dist. 9; Arnesen of Grafton Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 694-FN, relative to welfare changes. (Copenhaver of Grafton Dist. 12 - To Health and Human Services)

HB 695, concerning use of safety seat belt systems in passenger automobiles equipped with such systems. (Pappas of Hillsborough Dist. 37; Emanuelson of Rockingham Dist. 20 - To Transportation)

HB 696-FN, relative to captive insurance companies. (Smith of Hillsborough Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 697-FN, relative to courts and court procedure. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 698, relative to court administration. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 699, relative to storage costs for radioactive waste. (Hollingworth of Rockingham Dist. 17 - To Science and Technology)

HB 700-FN, relative to bingo. (Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 701, establishing a police standards and training council within the department of postsecondary vocational education. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HB 702, relative to deliveries of home heating fuels. (Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 703, requiring energy efficiency labeling on appliances. (Smith of Hillsborough Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 704-FN, relative to early debt redemption and operating deficits. (Ames of Rockingham Dist. 10; Welch of Rockingham Dist. 10; Fields of Hillsborough Dist. 13; Young of Cheshire Dist. 1 - To Appropriations)

HB 705-FN, establishing an approval and certification system for water supply and environmental testing laboratories.

(Bardsley of Merrimack Dist. 1; Whittemore of Merrimack Dist. 10; Hendrick of Hillsborough Dist. 12; Powers of Carroll Dist. 5; Heath of Dist. 3; Johnson of Dist. 17; Hough of Dist. 5 - To Resources, Recreation and Development)

HB 706-FN, relative to licensing motor vehicle insurance appraisers. (Guay of Coos Dist. 7 - To Executive Departments and Administration)

HB 707, relative to legislative review of state agencies and programs. (Rounds of Grafton Dist. 10; Townsend of Sullivan Dist. 1; King of Grafton Dist. 6; Bolduc of Belknap Dist. 10; Lessard of Dist. 21; Boyer of Dist. 13; Wiggins of Dist. 8; Dupont of Dist. 6 - To Legislative Administration)

HB 708-FN, relative to the indigent defense program. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 709, creating a privilege for certain victims and their counselors. (Krasker of Rockingham Dist. 27; Hollingworth of Rockingham Dist. 17; Griffin of Dist. 24;

Hough of Dist. 5; Lessard of Dist. 21 - To Judiciary)

HB 710-FN, relative to the selection of guardians ad litem. (Jacobson of Merrimack Dist. 2; Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 711-FN, creating a board of examiners in ophthalmic dispensing. (Stio of Merrimack Dist. 5 - To Executive Departments and Administration)

HB 712-FN, relative to the semi-annual payment of county taxes. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 713, relative to standards for the awarding of legal and physical custody. (Chandler of Merrimack Dist. 21 - To Children, Youth and Elderly Affairs)

HB 714-FN, relative to fees for teacher certification. (Pearson of Belknap Dist. 5; Bolduc of Belknap Dist. 10 - To Education)

HB 715, relative to group insurance for part-time employees. (Wallner of Merrimack Dist. 18; Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 716-FN, relative to the land use change tax. (Guay of Coos Dist. 7 - To Municipal and County Government)

HB 717-FN, relative to plumbers and plumbing. (LaMott of Grafton Dist. 5; Freese of Dist. 4 - To Executive Departments and Administration)

HB 718-FN, to include state prison educational personnel in group II of the New Hampshire retirement system. (Matson of Cheshire Dist. 7 - To Executive Departments and Administration)

HB 719-FN, relative to shelter assistance for recipients of aid to families with dependent children. (Densmore of Grafton Dist. 3; King of Grafton Dist. 12 - To Health and Human Services)

HB 720, relative to county government. (Pressly of Hillsborough Dist. 24; Arnold of Hillsborough Dist. 33; Jelley of Merrimack Dist. 17; Raynowska of Rockingham Dist. 20; Fried of Hillsborough Dist. 16 - To Municipal and County Government)

HB 721-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (O'Rourke of Hillsborough Dist. 35; Chambers of Grafton Dist. 12; LaMott of Grafton Dist. 5; Podles of Dist. 16 - To Executive Departments and Administration)

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 723, relative to non-profit health service corporations. (Burns of Coos Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 724-FN, relative to small claims litigation. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 725-FN, relative to fees of law enforcement officers and judgments and executions. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 726, relative to alimony and property settlement. (King of Grafton Dist. 6 - To Judiciary)

HB 727, relative to employee removal powers of county commissioners. (Boucher of Merrimack Dist. 9 - To Municipal and County Government)

HB 728-FN, relative to publication of city bylaws and ordinances. (Hager of Merrimack Dist. 21 - To Municipal and County Government)

HB 729, relative to the manual for the general court. (Matson of Cheshire Dist. 7 - To Legislative Administration)

HB 730-FN, requiring kindergarten education in all school districts. (Hawkins of Belknap Dist. 5 - To Education)

HBI 2015, relating to the establishment of a reorganized department of health and human services. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HBI 2016, relating to the establishment of a department of labor and employment security. (Ward of Grafton Dist. 1 - To Executive Departments and Administration)

HR 22, commemorating Helen J. Sullivan for 50 years of service to the Grange. (Barberia of Merrimack Dist. 21 - To Environment and Agriculture)

HR 23, commemorating Hazel Kenney for 50 years of service to the Grange. (Barberia of Merrimack Dist. 21 - To Environment and Agriculture)

HR 24, relative to South Africa. (Copenhaver of Grafton Dist. 12; Arnesen of Grafton Dist. 7 - To State-Federal Relations)

HCR 10, expressing the intent of the legislature to enact the state operating budget annually. (Chambers of Grafton Dist. 12 - To Appropriations)

RECESS

(Rep. Chambers in the Chair)

ENROLLED BILLS REPORT

HB 245, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation; and extending a lapse date to June 30, 1987.

Rep. Chris Jacobson
Sen. Rhona Charbonneau
For the Committee.

RECESS

(Rep. Newman in the Chair)

Rep. Sara Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 731 through 801, House Bills of Intent numbered 2017 and 2018, House Joint Resolutions numbered 4 and 5, House Resolution numbered 25, and House Concurrent Resolutions numbered 11 and 12, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted

INTRODUCTION OF HOUSE BILLS,

HBIs, HJR's, HR and HCR's
First, second reading and referral

HB 731-FN, creating a study committee to review the current regulatory functions of the board of psychologists and to recommend legislation for improvements in the board. (Kinhan of Merrimack Dist. 14; Butler of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 732, relative to insurance coverage for services of persons licensed under RSA 330-A. (Kinhan of Merrimack Dist. 14; Krasker of Rockingham Dist. 27; Chardon of Coos Dist. 6; Pappas of Hillsborough Dist. 37; Lessard of Dist. 21; Hough of Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 733, relative to election ballots. (Sallada of Hillsborough Dist. 4 - To Constitutional and Statutory Revision)

HB 734-FN, relative to child support enforcement. (Vartanian of Rockingham Dist. 20; Arnold of Hillsborough Dist. 33 - To Children, Youth and Elderly Affairs)

HB 735-FN, relative to state initiatives for child support enforcement. (Vartanian of Rockingham Dist. 20; Arnold of Hillsborough Dist. 33 - To Children, Youth and Elderly Affairs)

HB 736, requiring certain utilities to submit plans for energy conservation measures. (Easton of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 737-FN, increasing the salaries for certain employees of the department of postsecondary vocational-technical education. (Walker of Rockingham Dist. 17; Pearson of Belknap Dist. 5; O'Rourke of Hillsborough Dist. 35; Boucher of Rockingham Dist. 23; LaMott of Grafton Dist. 5 - To Education)

HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; Boucher of Rockingham Dist. 23; LaMott of Grafton Dist. 5 - To Education)

HB 739-FN, authorizing the county commissioners in Coos county to administer unincorporated places. (Guay of Coos Dist. 7 - To Municipal and County Government)

HB 740, recodifying the historic preservation statutes. (Hendrick of Hillsborough Dist. 12; Carragher of Hillsborough Dist. 22; St. Jean of Dist. 20; Chandler of Dist. 7 - To Resources, Recreation and Development)

HB 741-FN, prohibiting boxing in New Hampshire. (Newcombe of Hillsborough Dist. 25 - To Executive Departments and Administration)

HB 742, enabling mutual savings banks to reorganize as mutual holding companies. (Robinson of Strafford Dist. 4; Quimby of Rockingham Dist. 7; Crory of Grafton Dist. 12; Dupont of Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 743, establishing a general fund balance sheet reserve account. (Tamposi of Hillsborough Dist. 27; Scamman of Rockingham Dist. 19; Boucher of Merrimack Dist. 9;

Duggan of Grafton Dist. 13; White of Dist. 11; Heath of Dist. 3 - To Appropriations)
 HB 744-FN, consolidating the mental health laws. (Vartanian of Rockingham Dist. 20; Carragher of Hillsborough Dist. 22; Chambers of Grafton Dist. 12 - To State Institutions and Housing)

HB 745-FN, granting administrative authority to the director of the division of mental health and developmental services to carry out the statutory purposes of the division. (Vartanian of Rockingham Dist. 20; Carragher of Hillsborough Dist. 22; Chambers of Grafton Dist. 12 - To State Institutions and Housing)

HB 746, relative to truck weights. (Walter of Grafton Dist. 13; Lamontagne of Coos Dist. 7; Whitcomb of Grafton Dist. 1; Normandin of Sullivan Dist. 8; King of Grafton Dist. 6; Bond of Dist. 1 - To Transportation)

HB 747-FN, relative to litter control and recycling. (Burns of Coos Dist. 5; Tamposi of Hillsborough Dist. 27; Brungot of Coos Dist. 8; Eaton of Cheshire Dist. 4; Blaisdell of Dist. 10; Freese of Dist. 4; St. Jean of Dist. 20; Stabile of Dist. 12 - To Ways and Means)

HB 748-FN, increasing the salaries of state employee in academic positions. (Walker of Rockingham Dist. 17; O'Rourke of Hillsborough Dist. 35; Boucher of Rockingham Dist. 23; LaMott of Grafton Dist. 5 - To Education)

HB 749, relative to the recall of public officials. (Donnelly of Strafford Dist. 7 - To Constitutional and Statutory Revision)

HB 750-FN, relative to electing 5 commissioners in village districts. (Boucher of Merrimack Dist. 9; Podles of Dist. 16 - To Municipal and County Government)

HB 751-FN, relative to sweepstakes commission budget requests. (Phelps of Merrimack Dist. 1 - To Appropriations)

HB 752, establishing a department of regulated enterprises. (Ward of Grafton Dist. 1; MacDonald of Carroll Dist. 6 - To Executive Departments and Administration)

HB 753-FN, to provide a loss carryover under the business profits tax. (Donovon of Hillsborough Dist. 28; Guay of Coos Dist. 7; Scranton of Cheshire Dist. 16; Grip of Hillsborough Dist. 7; Lessard of Dist. 21 - To Ways and Means)

HB 754-FN, relative to prompt payments by the state. (Burns of Coos Dist. 5; Scamman of Rockingham Dist. 19; Rodgers of Hillsborough Dist. 19; Heath of Dist. 3; Wiggins of Dist. 8; Bartlett of Dist. 19 - To Executive Departments and Administration)

HB 755, relative to amendments in the New Hampshire energy code. (Smith of Hillsborough Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 756-FN, relative to the hazardous waste cleanup fund. (Bardsley of Merrimack Dist. 1; King of Grafton Dist. 6; Hendrick of Hillsborough Dist. 12; Johnson of Dist. 17; Hough of Dist. 5; Heath of Dist. 3 - To Environment and Agriculture)

HB 757, making the seller liable for the land use change tax. (Foss of Coos Dist. 2 - To Environment and Agriculture)

HB 758, relative to third party payments for certain certified psychologists. (Bolduc of Belknap Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 759-FN, relative to the police standards and training fund. (Mace of Rockingham Dist. 21; Dexter of Belknap Dist. 8; Pelley of Strafford Dist. 10 - To Executive Departments and Administration)

HB 760-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. (Eaton of Cheshire Dist. 4 - To Executive Departments and Administration)

HB 761-FN, relative to court fees for trust accounts. (Gordon of Merrimack Dist. 7 - To Judiciary)

HB 762, requiring hospitals to provide emergency medical services to all applicants. (Newman of Rockingham Dist. 24 - To Health and Human Services)

HB 763-FN, establishing a commission to study the feasibility of implementing an emergency telephone number. (Jensen of Belknap Dist. 6 - To Public Protection and Veterans Affairs)

HB 764, relative to the practice of optometry. (Nagel of Rockingham Dist. 20; Nelson of Hillsborough Dist. 31; Lessard of Dist. 21; St. Jean of Dist. 20; White of Dist. 11 - To Health and Human Services)

HB 765-FN, relative to motor vehicle registration fees. (Hayes of Merrimack Dist. 15 - To Transportation)

HB 766, relative to juvenile detention procedures. (Parker of Cheshire Dist. 11 - To State Institutions and Housing)

HB 767, to establish a study committee to design a system of dispositional alternatives for the placement of children by the division of children and youth services. (Parker of Cheshire Dist. 11 - To Children, Youth and Elderly Affairs)

HB 768-FN, relative to minimum mandatory sentences for felonious use of firearms. (Barberia of Merrimack Dist. 21 - To Judiciary)

HB 769, relative to solar energy. (Smith of Hillsborough Dist. 21 - To Science and Technology)

HB 770-FN, relative to the compensation of probate judges. (Robinson of Strafford Dist. 4 - To Judiciary)

HB 771, relative to the support and custody of children. (Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 772, defining marital property and the division thereof pursuant to divorce. (Kinhan of Merrimack Dist. 14 - To Judiciary)

HB 773-FN, relative to financial disclosure by public officials. (Raiche of Hillsborough Dist. 41; Harrington of Hillsborough Dist. 7; Hollingworth of Rockingham Dist. 17 - To Legislative Administration)

HB 774, relative to fighting forest and brush fires on federal land. (Holmes of Carroll Dist. 3; Powers of Carroll Dist. 5; Housell of Dist. 2 - To Resources, Recreation and Development)

HB 775, relative to child abuse. (Scamman of Rockingham Dist. 19 - To Children, Youth and Elderly Affairs)

HB 776, relative to the administration of the children's study home. (Scamman of Rockingham Dist. 19 - To Children, Youth and Elderly Affairs)

HB 777-FN, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years. (Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 778-FN, authorizing cities and towns to borrow for certain planning costs. (Hager of Merrimack Dist. 21; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 779-FN, relative to the publication of ordinances. (Kinhan of Merrimack Dist. 14; Barberia of Merrimack Dist. 21; Smith of Merrimack Dist. 20; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 780, relative to administrative inspection warrants. (Duprey of Hillsborough Dist. 31 - To Judiciary)

HB 781, conforming state unemployment compensation law to federal law. (Fraser of Merrimack Dist. 6; Ahrens of Hillsborough Dist. 13 - To Labor, Industrial and Rehabilitative Services)

HB 782, restricting access of minors to sexually explicit films, videocassettes, and other harmful materials. (Packard of Strafford Dist. 4; Chambers of Grafton Dist. 12; Pappas of Hillsborough Dist. 37 - To Judiciary)

HB 783-FN, relative to the number of commercial fishermen licenses for the taking of lobsters in the coastal waters of the state. (Blanchard of Rockingham Dist. 26; Greene of Rockingham Dist. 18; Vaughn of Rockingham Dist. 27; Wiggins of Dist. 8 - To Fish and Game)

HB 784-FN, relative to motor vehicle registration fees. (Phelps of Merrimack Dist. 1; Palumbo of Rockingham Dist. 10 - To Transportation)

HB 785, relative to defined benefit pension funds in the private sector. (Dexter of Belknap Dist. 8; Hutchings of Grafton Dist. 8 - To Labor, Industrial and Rehabilitative Services)

HB 786, requiring notice and hearing prior to liquor license revocation or suspension and providing an appeals process. (Blais of Hillsborough Dist. 44 - To Regulated Revenues)

HB 787-FN, relative to retirement. (Chandler of Merrimack Dist. 21; Chambers of Grafton Dist. 12; Skinner of Rockingham Dist. 21; Lessard of Dist. 21; Blaisdell of Dist. 10; McLane of Dist. 15; Hough of Dist. 5; Stephen of Dist. 18 - To Executive Departments and Administration)

HB 788-FN, relative to county attorneys. (Duprey of Hillsborough Dist. 31 - To Judiciary)

HB 789, relative to municipal industrial development authorities. (Coulombe of Coos Dist. 8 - To Municipal and County Government)

HB 790-FN, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. (Lown of Hillsborough Dist. 9; Tufts of Rockingham Dist. 13; Wight of Hillsborough Dist. 9; Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

HB 791-FN, relative to the small scale power facility tax exemption. (Smith of Hillsborough Dist. 21; King of Grafton Dist. 6; Hollingworth of Rockingham Dist. 17 - To Science and Technology)

HB 792, relative to electing delegates to state party conventions. (Matson of Cheshire Dist. 7 - to Constitutional and Statutory Revision)

HB 793-FN, relative to unemployment insurance for persons who contract with a municipality to provide services for less than 6 months. (Jacobson of Merrimack Dist. 2 - To Labor, Industrial and Rehabilitative Services)

HB 794-FN, relative to the legacy and succession tax. (McGlynn of Hillsborough Dist. 29 - To Ways and Means)

HB 795, relative to suspension and dismissal of students. (Burton of Strafford Dist. 4 - To Education)

HB 796-FN, allowing land in excess of 2 acres on any lot to be classified under current use. (Jacobson of Merrimack Dist. 2 - To Environment and Agriculture)

HB 797, relative to filing a petition for a divorce based on irreconcilable differences. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 798, relative to separate maintenance. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 799-FN, establishing that providers of respite care and client skills training to developmentally impaired individuals shall not be deemed to be in employment by area agencies. (Zeckhausen of Belknap Dist. 11; Nelson of Hillsborough Dist. 31 - To Labor, Industrial and Rehabilitative Services)

HB 800-FN, relative to town trust funds. (Johnson of Rockingham Dist. 1 - To Municipal and County Government)

HB 801, relative to three lighthouses on Lake Sunapee. (Kidder of Merrimack Dist. 2; Mehegan of Sullivan Dist. 3 - To Resources, Recreation and Development)

HBI 2017, relating to selection and certification of sites for new hazardous waste treatment facilities. (Chambers of Grafton Dist. 12 - To Environment and Agriculture)

HBI 2018, relating to hazardous waste management and control. (Wight of Hillsborough Dist. 9; Bardsley of Merrimack Dist. 1 - To Environment and Agriculture)

HJR 4, establishing February as Black History Month. (Gage of Rockingham Dist. 13; Hollingworth of Rockingham Dist. 17; Cote of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

HJR 5, relative to procedures for non-partisan primary elections of town officials. (Johnson of Cheshire Dist. 3 - To Constitutional and Statutory Revision)

HR 25, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process. (Wight of Hillsborough Dist. 9; Bardsley of Merrimack Dist. 1; Carragher of Hillsborough Dist. 22; King of Grafton Dist. 6; Chardon of Coos Dist. 6 - To Legislative Administration)

HCR 11, requesting New Hampshire's congressional delegation to introduce and support legislation amending the regulatory powers of the Federal Energy Regulatory Commission. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HCR 12, requesting the United States Postal Service to issue a commemorative bicentennial stamp. (Chase of Carroll Dist. 6 - To State-Federal Relations)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 11

Tuesday, 19Mar85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we thank You for this bright and clear springlike day. May the coming of spring with its new life remind us of our source of strength and life that You give. May we know Your forgiveness. May we know Your truth that old limits of our thinking may be broken.

Bless us as we work this day, Governor, Speaker, Representatives, staff. Amen.

Rep. Diamant led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Boutwell, Kinhan, Malcolm, Lamontagne, Hardy, Wadsworth, Reidy, Ducharme, Ingram and Dingle, the day, illness.

Reps. Longworth, William Boucher, Bernier, Frank Whittlemore, Elizabeth Moore, Scamman, Donovan, Quimby, Wayne King, Gross, Vartanian, Cate, Beverly Gage, Sylvia, Marilyn Campbell, Dwyer, Frew, Keefe and Pariseau, the day, important business.

INTRODUCTION OF GUESTS

James Walker, Chief Archivist of N.S.D.A.R., Washington, D.C., former head of U.S. Archives, and Mr. Partington of Nashua, guests of Rep. Parr; Erica Monnesette and Brandie Smith, guests of Rep. Palumbo; Charles Welch, son of Rep. David Welch; Irene Goodwin, guest of Rep. Kohl; Joseph Clarke, Jr., guest of Rep. Duperron; Grade 4 pupils from Stratham Memorial School with their teachers and chaperons; Diana Dorsey from Hollywood, Florida, guest of Rep. Daniel Eaton.

THREE-LEGISLATIVE DAY EXTENSION

Rep. Meader moved that the Committee on Resources, Recreation and Development be granted a three-legislative day extension on HB 165, relative to an OHRV facility in the Pine River state forest.

Granted.

VACATES

Rep. Sytek moved that the House vacate the reference of HB 577, repealing the

interstate commerce exemption from the consumer protection act, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 577 to the Committee on Commerce, Small Business and Consumer Affairs.

Rep. Sytek moved that the House vacate the reference of HB 578, relative to the regulation of campground membership programs, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 578 to the Committee on Commerce, Small Business and Consumer Affairs.

SENATE MESSAGES CONCURRENCE WITH HOUSE BILLS

HB 67, to allow a designee from the office of the attorney general and the deputy treasurer to serve on the board of trust company incorporation in place of the attorney general and the state treasurer.

HB 181, relative to the national guard.

HB 20, relative to the implied consent of testing of boat operators on public waters.

NONCONCURRENCE

HB 29, providing for special number plates for organizations serving persons with a walking disability.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 65, increasing the legal drinking age to 21. (amendment printed SJ 3/14)

Rep. Kenneth MacDonald moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kelley, Thompson, Robert Mason and Newman.

HB 30, relative to the control and restraining of guard dogs. (Amendment printed SJ 3/13/)

Rep. Benton moved that the House concur. Adopted.

REQUESTS CONCURRENCE

CACR 5, relating to amending the constitution. Providing that amendments proposed by the general court or a constitutional convention be spread out over several state general elections.

SB 55, removing the executive director of the water supply and pollution control commission from the plumbers' licensing board.

SB 35, relative to the medical review committee reports.

SB 41, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 55, 35 and 41 and Concurrent

Resolution Proposing Constitutional Amendment numbered 5, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS.

First, second reading and referral

SB 55, removing the executive director of the water supply and pollution control commission from the plumbers' licensing board. (Executive Departments and Administration)

SB 35, relative to the medical review committee reports. (Health and Human Services)

SB 14, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election. (Constitutional and Statutory Revision)

CACR 5, relating to amending the constitution. Providing that amendments proposed by the general court or a constitutional convention be spread out over several state general elections. (Constitutional and Statutory Revision)

THREE-LEGISLATIVE DAY EXTENSIONS

Rep. Irvin Gordon moved that the Committee on Transportation be granted a three-legislative day extension on HB 232-FN, relative to adopting federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee, and HB 258, relative to the motor vehicle laws.

Granted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 223 was removed at the request of Rep. Irvin Gordon.

HB 377 was removed at the request of Rep. Hoar.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 287, prohibiting the conduct of business on a public highway right-of-way. Inexpedient to Legislate.

Currently, state and local safety officers are in no way hindered in asking vendors in the areas covered under this bill to move for safety reasons. Major Cray of the State Police presented testimony indicating that this bill is totally unnecessary. Vote 14-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 91, relative to counting absentee ballots. Ought to Pass.

This bill changes the time for commencement of processing of absentee ballots from 3:00 p.m. to not earlier than 11:00 a.m. on Election Day. The Committee supports this legislation

because it will enable town clerks to check and process absentee ballots (in preparation for counting) before the polls close. Testimony indicated that in some towns the additional time needed for processing would make this advisable. Vote 8-0. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

HB 354, eliminating the checkout procedure on election day. Inexpedient to Legislate.

The Committee feels the checkout procedure is a necessary step. In close elections it gives the moderator another means of verifying the vote. It is also another way of curbing election fraud. Vote 8-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

HB 424, relative to placing a candidate's name on the ballot when he is the candidate of more than one party. Inexpedient to Legislate.

The Committee feels that the problem addressed in this bill is one of vote counting and not candidate delineation on the ballot. Furthermore, it would be impossible to put names side-by-side in each party column on the general election ballot because there would not be enough room. Vote 8-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 228, relative to continuing education for real estate brokers. Refer for Interim Study.

This bill is a follow-up on the current law. It is better to await results of current training efforts before acting to change requirements.

Vote 21-0. Rep. William F. McCain for Executive Departments and Administration.

HB 330, relative to the taking of deer. Refer for Interim Study.

After much deliberation the Committee felt that this bill needed further study. Also, there is the possibility that home rule could solve the problem. Vote 16-0. Rep. Anita A. Flynn for Fish and Game.

SB 13, relative to certain wild birds. Ought to Pass.

This bill removes the feral pigeon from the list of migratory game birds. Vote 16-0. Rep. Laura A. Pantelakos for Fish and Game.

HB 163, relative to closure of food service establishments. Ought to Pass with Amendment.

The Committee was unanimous (19-0) in support of giving the Director of Public Health the authority to close food service establishments when the physical condition of place of business is found to be unsanitary. The actual inspectors do not close the places, but make their recommendations to the Director who makes the final decision. It seems illogical that public health officials

can close a place for structural reasons or order firing of food handlers with communicable disease, but not have authority to close the same place due to unsanitary conditions with the building itself. Rep. Marion L. Copenhaver for Health and Human Services.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 227, relative to food service licensure. Ought to Pass with Amendment. The Committee, as well as various health officials around the state, believe that this bill is necessary and long overdue in New Hampshire. It will supply the Division of Public Health with a list of establishments and will give the Division the power to refuse to issue, or to revoke or suspend, a license. This not only maintains the health and safety of the public, but also gives food service establishments more credibility and respect in the eyes of the public. Vote 18-0. Rep. Audrey A. Carragher for Health and Human Services.

Amendment

Amend the bill by striking out RSA 143-A:3, V as inserted by section one of the bill and inserting in place thereof the following:

V. "Occasional food service establishment" means any food service establishment operated by a private or public organization or institution, whether profit or non-profit, which prepares food or drink for sale or for service, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge, no more than 5 days during a 30 day period.

HB 269, relative to sexual assault. Inexpedient to Legislate.

This bill is intended to extend "retaliation" under the sexual assault statute to cover a threat of any kind of imprisonment. By changing the phrase "false imprisonment" it may create a loophole. The Committee feels that threat of legal imprisonment would be covered as a threat of "public humiliation or disgrace." Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 272, relative to mortgages. Ought to Pass with Amendment.

The bill simplifies the law on priority of mortgages, particularly with respect to lines of credit, by combining laws now contained in two sections of law into one updated section. The amendment corrects the original repeal section of the bill which would have repealed a section outside the scope of this legislation, and decreases the scope somewhat. Vote 12-1. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Priority of Advances Under a Recorded Mortgage. Amend RSA 479:3 by striking out said section and inserting in place thereof the following:

479:3 Priority of Advances Under a Recorded Mortgage. Subject to the provisions on priority in RSA 447:12-a, a recorded mortgage takes priority as of the date of its recording as to advances or obligations thereafter made or incurred that do not exceed the maximum amount stated in the mortgage.

2 Repeal. RSA 479:4, relative to priority.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 274, relative to the office of county attorney. Refer for Interim Study.

The Committee feels that the current method of filling interim vacancies in the office of County Attorney unduly prejudices and politicizes the Superior Court. Further study is needed in order to determine an alternative method of appointment. Vote 10-3. Rep. Thomas U. Gage for Judiciary.

HB 275, removing double damages for injuries by dogs. Ought to Pass with Amendment.

House Bill 275 repeals an "ancient" provision of law which allows for double damage awards in cases of injury by dogs. The Committee feels there is no justification for singling out these injury awards as meriting double recovery. For example, a person injured in a car accident is no less injured or more deserving of an award than someone who has been bitten by a dog. Under current law, however, the dog bite victim could recover double the reward. HB 275 repeals a section of the law that is unneeded and which discriminates against canine Americans and their loving owners. The amendment changes the effective date to January 1, 1986. Vote 13-1. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect January 1, 1986.

HB 296, relative to the disorderly conduct law. Ought to Pass with Amendment. The bill removes the requirement that a person must "know" he is engaging in conduct which is disorderly to be found guilty of certain forms of disorderly conduct, but it retains that requirement in case of an order by a peace officer to move from a public place. The bill also includes recklessly creating a risk of breach of the peace among the legal

descriptions of disorderly conduct.
Vote 13-0. Rep. Francis E. Robinson for
Judiciary.

Amendment

Amend RSA 644:2, II(e) as inserted by
section 1 of the bill by striking out same
and inserting in place thereof the following:

(e) knowingly refuses to
comply with a lawful order of a peace
officer to move from any public place; or

Amend RSA 644:2, III as inserted by
section 1 of the bill by striking out same
and inserting in place thereof the following:

III. He purposely causes a breach
of the peace, public inconvenience,
annoyance or alarm, or recklessly creates a
substantial risk thereof, by:

(a) making loud or
unreasonable noises in a public place, or
making loud or unreasonable noises in a
private place which can be heard in a public
place or other private places, which noises
would disturb a person of average
sensibilities; or

(b) disrupting the orderly
conduct of business in any public or
governmental facility; or

(c) disrupting any lawful
assembly or meeting of persons without
lawful authority.

HB 322-FN, eliminating the filing fee
for charitable trusts when the market value
of trust property is less than \$10,000.
Ought to Pass.

This bill benefits a number of small
trusts in this state by removing the
burden of paying an annual filing fee.
Vote 13-0. Rep. Marc Chretien for
Judiciary.

HB 326, relative to escape from county
houses of correction. Inexpedient to
Legislate.

The subject matter contained in this
bill will be better addressed under HB
360. The sponsor requests that the
report be Inexpedient to Legislate.
Vote 13-0. Rep. Thomas U. Gage for
Judiciary.

HB 313, relative to the workers'
compensation advisory council. Ought to
Pass.

This measure would allow the
Commissioners of Labor and Insurance to
designate a qualified individual from
their respective agencies to represent
them, if they cannot be present for a
meeting of the Advisory Council on
Workers' Compensation. It also removes
the staggered terms originally set when
the Council was established. Vote
11-0. Rep. Robert S. Hawkins for Labor,
Industrial and Rehabilitative Services.

HB 427-FN, increasing the per diem for
members of the public employee labor
relations board. Ought to Pass.

This bill increases the per diem rate
from \$25 to \$50 for members of the
Public Employee Labor Relations Board, a
quasi-judicial group, appointed by
Governor and Council under provisions of
RSA 273-A. They are a respected and
under-compensated
board who have served at the \$25 per
diem rate since the law's inception in
1975. Vote 11-0. Rep. Henry E. Wells
for Labor, Industrial and Rehabilitative
Services.

Referred to Appropriations.

HB 205, repealing statutes affecting an
agency that has been sunsetted. Ought to
Pass.

This bill provides for the repeal of the
statutory provisions relative to an
agency that has been sunsetted,
following the nine-month period provided
for the agency to wind up its affairs.
The first section of the bill amends the
Sunset Law (RSA 17-C) and the second
section repeals the statutes of those
entities which have been sunsetted in
previous sessions. Vote 14-0. Rep.
James A. Chandler for Legislative
Administration.

HB 209, relative to gifts to the state.
Inexpedient to Legislate.

The judicial and legislative branches of
state government are and have been
receiving and accepting gifts. The
precedent and principle having been
established and accepted, there is no
need to amend the statutes. Vote 14-0.
Rep. James A. Chandler for Legislative
Administration.

HB 96, amending certain planning and
zoning statutes. Ought to Pass with
Amendment.

This bill represents the work of over a
year by a Subcommittee appointed per HBI
2008. The amendment restores existing
law which inadvertently got deleted in
the processing of the bill. Vote 19-1.
Rep. Richard A. Grodin for Municipal and
County Government.

Amendment

Amend RSA 675:5 as inserted by section
24 of the bill by striking out same and
inserting in place thereof the following:

675:5 Zoning Ordinance Protest Petition.

I. Zoning regulations, restrictions and boundaries may from time to time be amended or repealed. In case of a protest against a zoning change signed by either:

(a) The owners of 20 percent of the area of the lots included in such proposed change; or

(b) The owners of 20 percent of the area within 100 feet immediately adjacent thereto or across a street therefrom, such amendment or repeal shall not become effective except by the favorable vote of 2/3 of all the members of the legislative body present and voting.

II. In order to have any protest considered pursuant to paragraph I:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town or village district to identify the land in question, so that the selectmen or commissioners may identify such owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen or village district commissioners at least 7 days prior to the town or village district meeting; provided, however, that each protest petition shall apply to only one article on the warrant. A notice of receipt of the protest petition shall be posted at the polling place, and the moderator shall announce at the opening of the town meeting that a protest petition has been received.

HB 187, relative to antitrust liability of municipalities in planning and zoning. Ought to Pass.

This legislation intends to immunize municipalities from the threat of antitrust litigation stemming from planning and zoning decisions necessary to carry out the provisions of RSA 672 through 677. It is consistent with the grant of power to municipalities regarding planning and zoning. It intends to convey a clearly articulated and affirmatively expressed state policy. Although the Local Government Antitrust Act of 1984, United States Congress, eliminated the threat of triple damages to municipalities and to individuals acting in an official capacity; this statute is necessary because without it, municipalities would remain vulnerable to very expensive litigation, actions so costly that even if a suit resulted in an ultimate victory, the costs might be catastrophic. The Attorney General supports this bill. Vote 20-1. Rep. Richard A. Grodin for Municipal and County Government.

HB 208, relative to penalties for violations of the planning and zoning statutes. Ought to Pass with Amendment. The amended version of the bill was presented by the sponsor. It (1) makes the bill compatible with HB 96 if it is passed into law, (2) deletes a sentence

which the New Hampshire Realtors Association found objectionable. Vote 20-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend RSA 676:17, IV as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Contingency Provision. If HB 96 of the 1985 regular session of the general court, "An Act amending certain planning and zoning statutes," becomes law, RSA 676:17 shall read as follows:

676:17 Fines and Penalties.

I. Any violation of this title or any violation of a local ordinance, code, or regulation adopted pursuant to this title may be made punishable, as determined by the local governing body, by either:

(a) A civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation of any ordinance or regulation adopted under this title, whichever date is earlier; or

(b) A criminal penalty, which shall be:

(1) A misdemeanor if the violation is committed by a natural person; and

(2) A felony if the violation is committed by any other person.

II. In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality may recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to,

inspection fees, expert fees and investigatory expenses.

III. If any violation of a local ordinance, code or regulation, or any violation of a planning board, zoning board of adjustment or building code board of appeals decision, results in the expenditure of public funds by a municipality which are not reimbursed under paragraph II, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for such funds so expended.

IV. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

5 Effective Date. This act shall take effect January 1, 1986.

HBI 2003, relating to private firefighter certification. Inexpedient to Legislate.

The New Hampshire Department of Safety (State Fire Marshal) conducted public hearings in 1983, and developed detailed criteria for the employment of contract firefighting services. Great responsibility is placed on municipal officials in the negotiation of contracts for firefighting services. This Committee will advise the State Fire Marshal of areas in the existing regulation which may be further clarified and strengthened. Vote 16-0. Rep. Arthur J. Locke for Public Protection and Veterans Affairs.

HB 102-FN, relative to sunset review of the daily number game. Ought to Pass. Renews PAU for daily number game for six years. Vote 14-0. Rep. Lynn C. Horton for Regulated Revenues.

HB 125-FN, relative to sunset review of pari-mutuel laboratories. Ought to Pass. The Committee reviewed the sunset report and conferred with the Pari-Mutuel Commission concerning Pari-Mutuel Laboratories. It was the unanimous feeling that this bill ought to pass and renew the laboratories for another six years. Vote 14-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 282-FN, increasing the per diem fee paid by a racing licensee to the town in which the racing plant is located on Saturdays and holidays. Refer for Interim Study.

The Committee feels that license fees should all be studied. Placing this bill in interim study will not deprive the town of Salem of any revenues since this bill, as proposed to be amended, would not generate added revenues for Salem until May, 1986 and the interim study report should be completed by then and enacted, if felt necessary. Vote 14-0. Rep. James D. Phelps for Regulated Revenues.

HB 290-FN, relative to Sunday and holiday openings of state liquor stores. Inexpedient to Legislate.

The Committee felt that this bill and its provisions could be more appropriately addressed through labor negotiation channels. Vote 17-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 408, establishing a committee to study the feasibility of divestiture of state liquor stores and making an appropriation therefor. Inexpedient to Legislate.

The Liquor Commission has been sufficiently studied in recent years. Vote 17-0. Rep. James D. Phelps for Regulated Revenues.

HB 241, eliminating the hydro-energy power promotion functions of the water resources board. Ought to Pass with Amendment.

This bill, as amended, removes the responsibility for promoting hydro-energy projects from the Water Resources Board, the same agency responsible for regulating these projects. The amendment also requires notification of the owner of a dam prior to a developer filing for a Federal Energy Regulatory Commission license to develop the site. The municipal governing body, Conservation Commission and Planning Board of the town in which the dam is located shall also be notified. Vote 16-4. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Eliminating Board's Promotion Function. Amend RSA 481:1, I as inserted by 1981, 505:1 by striking out said paragraph and inserting in place thereof the following:

1. It is declared that there is a statewide need for conservation and distribution of water and the regulation of the flow of rivers and streams, and for the development of hydro-energy resources, balanced with the need for wildlife conservation and recreational and esthetic uses; and that the public interest, welfare and necessity may at times, require the construction of projects for the conservation, development, storage, distribution, and utilization of water and the operation of hydro-energy production facilities relying on water energy resources. The corporation authorized under

this chapter shall be regarded as performing a governmental function in carrying out these provisions. In carrying out the provisions and purposes of this chapter, the corporation shall not, however, perform promotion activities which involve new or existing hydroelectric generation projects.

2 Notice Required. Amend RSA 481 by inserting after section 10 the following new section:

481:10-a Notice Required for Hydroelectric Generation Projects.

I. Every person who intends to apply to the Federal Energy Regulatory Commission for the permits and licenses necessary for the development, construction, or reconstruction of a hydro-energy project shall place, at least 30 days prior to making such an application, a notice of his intent in at least 2 local newspapers in the area where the proposed work is to be done and shall notify the following by certified mail, return receipt requested, that he intends to undertake a hydro-energy project:

(a) The owners of the dam site of the proposed project.

(b) The local governing body, planning board and conversation commission of each municipality in which the project is sited.

II. The notice required in paragraph I shall include a brief description of the project for which licensing is to be sought, as well as a statement by the developer explaining the purpose of the project and his reasons for the development of a hydroelectric generation project.

III. The water resources board and the wetlands board shall deny a person violating this section any permit necessary for study and subsequent construction of the proposed project. The water resources board and wetlands board shall notify the Federal Energy Regulatory Commission of any denial under this section.

3 Dam Repairs; Notice to Board Required. Amend RSA 482:3, I (supp) as inserted by 1983, 432:1 by striking out in line one the words "construction or reconstruction" and inserting in place thereof the following (construction, reconstruction, or repair) so that said paragraph as amended shall read as follows:

I. No person shall begin the construction, reconstruction, or repair of any dam until 10 days after he has filed with the water resources board a statement of the height of the proposed dam and the location at which it is to be erected and such other information as the board may require.

4 Plans Required. Amend RSA 482:4 (supp) as amended by striking out said section and inserting in place thereof the following:

482:4 Plans Required.

I. Within 10 days after the receipt of the statement required under RSA 482:3, if the water resources board shall be of the opinion that the proposed dam, if improperly constructed, reconstructed, or repaired would be a menace to the public safety, it shall so notify the owner or applicant, and the construction, reconstruction, or repair of such dam shall

not be commenced until plans and specifications therefor shall have been filed with and approved by the board.

II. In addition to the information requested regarding the construction, reconstruction, or repair of said dam, the applicant shall also submit to the board an additional filing fee, which shall go into the general fund as unrestricted revenue, based on the classification of a dam as follows:

(a) Class "A" dam - \$100

(b) Class "B" dam - \$250

(c) Class "C" dam - \$500

5 Effective Date. This act shall take effect 60 days after its passage.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights. Ought to Pass with Amendment.

This bill expands and clarifies the criteria used to judge whether or not the state should accept title to a private dam. In addition, it authorizes the state to take title to the Black Reservoir Dam which was thought to be owned by the state since 1970. Vote 16-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by renumbering the second section 2 to read as follows:

3

Amend the bill by renumbering section 3 to read as follows:

4

Amend the bill by striking out section 4 and renumbering said section as follows:

5 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 324, relative to operation of boats on Mendums pond in the town of Barrington. Inexpedient to Legislate.

The Committee felt that small lakes in the state have incompatible uses between power boat operators and swimmers and canoeists. But, Safety Services has a process for addressing problems of the bill's nature. This process should be pursued in this case. Vote 15-2. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor. Ought to Pass.

The bill raises the fees due to the state for reviewing and inspecting subdivisions and sewage disposal systems. Fees for designers and installers of waste disposal systems are also raised. The Commission is

authorized to hire additional inspection and clerical personnel. Vote 13-1. Rep. James A. Whittemore for Resources, Recreation and Development.

Referred to Appropriations.

HB 429-FN, appropriating funds for participation in the federal groundwater mapping program. Ought to Pass.

The quality and quantity of New Hampshire's groundwater is of major concern to all. The Committee unanimously (14-0) and strongly endorses this legislation which will provide for mapping aquifers and recharge areas. Rep. James A. Whittemore for Resources, Recreation and Development.

Referred to Appropriations.

HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection. Ought to Pass with Amendment.

The bill modestly increases fees to enable the Wetlands Board better to perform its legislative mandate. The amendment, requiring plans to accompany applications for "minor" projects, is designed to eliminate widespread dissatisfaction with the Board's method of processing applications. Vote 16-0. Rep. Richardson Blair for Resources, Recreation and Development.

Amendment

Amend RSA 483-A:1, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without written notice of his intention to construct, excavate, remove, fill or dredge to the wetlands board. The notice shall be sent to the wetlands board and shall be accompanied by a filing fee. The filing fee shall be \$10 for minimum impact projects, \$25 for minor projects, and \$100 for major projects. At the time of filing with the wetlands board, said person shall also file 3 copies of the notice, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk. The town or city clerk shall immediately send a copy of the notice to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the notice shall be made reasonably accessible to the public.

Referred to Appropriations.

HB 387-FN, relative to funds for the automated information system in the state library. Ought to Pass.

House Bill 387 presents an exciting concept for the State Library and its

users with the advent of bar coding capabilities. Vote 16-0. Rep. Sara M. Townsend for State Institutions and Housing.

HB 430-FN, to subdivide the youth development center campus and apply the proceeds to establish regional youth facilities. Refer for Interim Study.

The Committee felt that any recommended disposal of this property was premature in view of other studies presently being initiated regarding the role, function, and future of the Youth Development Center. Vote 13-0. Rep. Ralph Parker for State Institutions and Housing.

HB 281, requiring motor vehicle lights to be turned on under any conditions in which visibility is poor. Inexpedient to Legislate.

The Committee felt this bill weakened the present statute inasmuch as turning on lights for 1000 feet visibility gives better coverage than requiring lights to be turned on when visibility is only 200 feet. The second part of the bill, linking the display of lights and the operation of windshield wipers, had merit, but seemed to present a most difficult enforcement situation. Vote 7-1. Rep. Roger Stewart for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 267, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt that this was a very narrow, special interest bill. The bill was introduced prior to the resolution of the conflict in question. Also, the Attorney General's Office expressed major concerns with possible deceptive practice problems and the establishment of fair and enforceable contracts. Vote 13-5. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

MINORITY: In the opinion of the minority, the majority report does not recognize that without enactment of HB 267, the survival of service station dealers providing maintenance services is in jeopardy. Furthermore, the majority report does not indicate the consequences of minimum volume requirements. The minimum in this case refers to every dealer; not just one. The defeat of this bill will give major oil companies a carte blanche approval to cancel every small gasoline dealer they desire. Even though the companies stated the problems relating to HB 267 have been resolved as of March 6, 1985, there has not been any correspondence from the supplier to their dealers indicating the problem of future cancellations has been resolved.

The majority report fails to recognize the strong support for this legislation at the hearing which included one Executive Councilor, six Senators, ten Representatives and others. (Reps. Lawrence J. Guay, A. Leslie Burns, Tom Longworth, Patricia H. Foss and William A. Varkas for the Minority.)

Rep. Palumbo moved that the words, Refer for Interim Study, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Dickinson and Guay spoke in favor of the motion.

Motion adopted.

HB 267 was referred for Interim Study.

CACR 16, relating to the term of the governor. Providing that the term shall be 4 years. Ought to Pass.

This question has appeared on the ballot several times with increasing affirmative vote. The function of the Legislature is to place on the ballot questions which appear to be important to the voters and the very close vote in 1984 warrants another try. The Committee believes a 4-year term will permit more effective long range plans, but it will not permit improper use of the office because there is a new Governor's Council every 2 years. The Committee believes it will be easier for a new Governor to employ top level executives when he can guarantee four years of active support. Vote 8-0.
Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

Rep. Scott Green spoke against the Committee report.

Rep. Joseph Eaton spoke in favor of the Committee report and yielded to questions.

(Speaker presiding)

YEAS 252 NAYS 102

YEAS 252

BELKNAP: Birch, Bolduc, Bowler, Brown, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Duggan, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan and Thompson.

COOS: Harold Burns, Chardon, Frederic Foss, Guay, Marsh, Mayhew, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Croy, Desmore, Driscoll, Duggan, Hutchings, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, August, Bass, Robert Blanchette, Boisvert,

Lionel Boucher, Bourdon, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Cote, Cox, Crotty, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, George Jones, Michael Jones, Kelley, Knight, Lown, Lozeau, Martin, Howard Mason, McCue, Messier, Murphy, Nelson, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Parmenter, Pellow, Perham, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Turgeon, Van Loan, Wagner, Geraldine Watson, Harold Watson, M. Arnold Wight, Lucille Wood and Zis.

MERRIMACK: Bardsley, Bibbo, Bowes, James Chandler, Connolly, Fraser, George Gordon, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Nichols, Pantzer, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Gerald R. Smith, Stio, Wallner and West.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchard, Patti Blanchette, Burdick, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Courdeau, Elizabeth Greene, Haynes, Hollingworth, Joslyn, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Joseph MacDonald, Mace, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Popov, Romoli, Rosencrantz, Sanderson, Schmidtschen, Sherburne, Skinner, Sochalski, Stachowske, Sytek, Titone and Walker.

STRAFFORD: Appleby, Bates, Bryant, Burton, Callahan, Chamberlin, Diamant, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 102

BELKNAP: Brough, Richard Campbell, Jensen and Matthew Locke.

CARROLL: Gene Chandler and Hounsell.

CHESHIRE: Burley, Kohl and Young.

COOS: Brideau, Brungot, Chappell, Coulombe, Horton and Ottolini.

GRAFTON: Bennett, Christy, Easton and McAvoy.

HILLSBOROUGH: Barry, Beaupre, Blais, Bourque, Bridgewater, Charron, Chretien, Clancy, Cronin, Duperron, Dupont, Dykstra, Gagnon, Scott Green, Healy, Jasper, Labombarde, Levesque, Morrisette, Newcombe, Nute, Paquette, Paradis, Prestipino, Frances Riley, Sallada, Steiner, Stonner, Mary Sullivan, Tamposi, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Winn and Worthen.

MERRIMACK: Anderson, Barberia, Laurent Boucher, Cailler, Daniell, Gilbreth, Jelley, Kidder, Lewis, Arthur Locke, Millard, Pannell, Phelps, Roberts, Savaria, Shepard and James Whittemore.

ROCKINGHAM: Benton, Butler, Ellyson, Goss, Hoar, Robert Johnson, Kane, George Katsakiores, Magoon, Pevear, Raynowska, Norman Rogers, Schwaner, Seward, Simon, Sloan, Splaine, Tufts, Vaughn, Warburton, Welch and Wells.

STRAFFORD: Berkey, Bernard, Albert Dionne, Donnelly, Kincaid, Bruce Packard, Spear and Henry Sullivan.

SULLIVAN: Paul Johnson, and CACR 16 was adopted by the Constitutional requirement of three-fifths.

Ordered to third reading.

HB 142-FN, relative to sunset review of agricultural regulations program. Ought to Pass with Amendment.

As amended, this bill combines the Pesticides Law and Economic Poisons Law, as suggested by the Sunset Committee. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Pesticide Control. Amend RSA 149-D as inserted by 1965, 368:1 as amended by striking out said chapter and inserting in place thereof the following:

CHAPTER 149-D PESTICIDES CONTROLS

149-D:1 Declaration of Purpose. The purpose of this chapter is to recognize the benefits of chemical pesticides in the economy of the state when applied in a safe, scientific, and proper manner; to safeguard public health and welfare and public assets in the soils, waters, forests, wildlife, and other natural resources of the state by insuring proper application of chemical pesticides; to provide for the scientific measuring and monitoring of residual pesticides in the waters and other natural resources of the state, and to establish accurate records of pesticides use in the state without superseding controls presently in force.

149-D:2 Definitions. In this chapter:

I. "Active ingredient" means in the case of:

(a) A pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

(b) A plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(c) A defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(d) A desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

II. "Adulterated" means the state or condition of a pesticide where the strength or purity of the pesticide falls below the professed standard of quality as expressed on labeling under which it is sold, or where any substance has been substituted wholly or in part of the constituent of the pesticide as expressed on labeling under which it is sold, or where any valuable constituent of the article has been wholly or in part abstracted.

III. "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

IV. "Board" means the pesticides control board as established by this chapter.

V. "Commercial application" means any application of pesticides by a commercial applicator.

VI. "Commercial applicator" means any individual, corporation, partnership, municipality, governmental entity, or other legal entity of any kind who uses or supervises the use of any pesticide, other than a private applicator as defined in paragraph XXIX of this section.

VII. "Commercial applicator for hire" means any commercial applicator who applies any pesticide on property of another for consideration.

VIII. "Commissioner" means the commissioner of agriculture.

IX. "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

X. "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

XI. "Division" means the division of pesticide control as established within the department of agriculture.

XII. "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

XIII. "Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

XIV. "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

XV. "Inert ingredient" means an ingredient which is not an active ingredient.

XVI. "Ingredient statement" means a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; and if the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

XVII. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising 6-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than 6 legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

XVIII. "Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

XIX. "Label or labeling" means the written, printed, or graphic matter on, or attached to, the pesticide, or the immediate container thereof, and the outside container or wrapper of the retail package, if there is one, of the pesticide.

XX. "Living unit" means an apartment or house for use by one family.

XXI. "Misbranded" shall apply to any pesticide:

(a) If its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) If it is an imitation of or is offered for sale under the name of another pesticide;

(c) If the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and, if complied with, together with any requirements imposed under section 3 (d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, are adequate to protect health and the environment;

(d) If the label does not contain a warning or caution statement which may be necessary and, if complied with together with any requirements imposed under section 3 (d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, would be adequate to protect health and the environment;

(e) If the label does not contain an ingredient statement on that part of the immediate container (and on the outside container and wrapper of the retail package, if there is one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or displayed under customary conditions of purchase; provided that the ingredient statement may appear prominently on another part of the container as permitted pursuant to section 2 (q) (2) (A) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(f) If any word, statement, or other information required by or under the authority hereof to appear on the labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or graphic matter in the labeling and in such terms as

to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If in the case of an insecticide, nematocide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(h) In the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other animals, or vegetation to which it is applied, or to the person applying such pesticides; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

XXII. "Nematode" means invertebrate animals of the phylum nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

XXIII. "Nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

XXIV. "Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

XXV. "Pest" means any plant, insect, rodent, fungi, animal, weed, other forms of plant or animal life, or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which exists in a place where it is not wanted, or in a quantity not wanted.

XXVI. "Pesticide" means:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

(b) Any chemical or biological agent, or substance or mixture of substances of such agents, intended to control a pest or for use as a plant regulator, defoliant, or desiccant.

XXVII. "Pesticide dealer" means any person who is engaged in the business of distributing, selling, offering for sale, or holding for sale restricted use pesticides or state restricted use pesticides or any other pesticides for distribution directly to users. Exempt from the term "Pesticide dealer" are those persons whose sales are limited to pesticides in consumer sized packages which are labeled and intended for home and garden use only. This exemption does not apply to any person selling restricted use pesticides or state restricted use pesticides.

XXVIII. "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. "Plant regulator" shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

XXIX. "Private applicator" means an individual who uses or supervises the use of any pesticides for the purpose of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

XXX. "Registrant" means the person registering any pesticide pursuant to the provisions of this chapter.

XXXI. "Restricted use pesticide" means any pesticide or pesticide use which has been classified for restricted use by the administrator of the United States Environmental Protection Agency or by the board pursuant to this chapter.

XXXII. "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the division shall declare to be a pest.

XXXIII. "State restricted use pesticides" means any pesticide or pesticide use classified for restricted use by the pesticide control board.

XXXIV. "Weed" means any plant which grows where not wanted.

149-D:3 Pesticide Control Board.

I. A pesticide control board is established to consist of 9 members appointed by the governor with consent of the council, as follows:

- (a) the commissioner of agriculture;
- (b) a representative of the division of public health services;
- (c) a representative of the department of resources and economic development or the department of fish and game;
- (d) a representative of water supply and pollution control commission;
- (e) a licensed physician representing the public interest;
- (f) a person who possesses an advanced degree in one of the biological sciences representing the public interest;
- (g) a licensed or permitted pesticide applicator;
- (h) two persons representing the public interest who are not affiliated with the manufacture or distribution of

pesticides and who are neither commercial nor private applicators as defined in this chapter, and who do not otherwise fall within categories (a) through (g).

II. The term shall be 3 years except that of the original appointees under (e) through (h), 2 shall serve a 3-year term, 2 shall serve a 2-year term, and 2 shall serve a one-year term.

III. The board shall select its own chairman to serve a term of 3 years. All members shall be New Hampshire residents. The members representing the public interest shall not have any official or contractual relationship with, or receive any significant portion of their income from, any person subject to division permits or enforcement orders. Members shall disclose all potential conflicts of interest, and shall not vote on matters in which they have a direct interest. The board may elect other officers.

IV. The board shall meet 4 times annually, and from time to time at the call of the chairman or upon the request of any 3 members. Five members shall constitute a quorum.

V. Members are not entitled to compensation for their services but may receive reimbursement for their necessary traveling and other expenses while engaged in actual work of the board, and shall be paid from moneys appropriated for the purpose of this chapter.

149-D:4 Board Responsibility and Authority. The board shall:

I. Establish policies and goals relative to the sale and use of pesticides.

II. Hold hearings concerned with rulemaking and appeals of decisions of the division, issue notices of hearings, and take testimony. The board is not required to hold an oral hearing in situations where a person may be aggrieved by a decision of the division concerning the issuance of permits and certificates of registration, but may do so where in its discretion such a hearing is appropriate under the circumstances.

III. Receive and allocate federal grants and other funds or gifts for the purpose of carrying out any of the functions of this chapter.

IV. Adopt rules under RSA 541-A after public hearing relative to:

(a) the time, the place, and the conditions under which pesticides may be used by commercial applicators in different areas of the state if the board finds that such pesticides may be injurious to persons, animals, or crops, other than the pest or vegetation which it is intended to destroy, and may provide that pesticides shall be used only under permit of the board.

(b) the conditions and designate the vicinities for aircraft application of pesticides.

(c) an annual permit authorizing the repeated commercial applications of pesticides under a contract calling for applications of pesticides by several crews either at the same or different times, subject to the initial approval by the division of the methods and materials used. An example of this is the

application of pesticides to a high tension electric line right of way.

(d) development and administration of a state plan for certification of pesticide applicators pursuant to section 4(a) (2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

(e) restrictions or prohibitions pertaining to the sale or use, or both, by commercial applicators or any other person of pesticides which the board finds to be injurious or reasonably likely to be injurious to man or other living things other than those the pesticides are intended to control.

(f) the types of commercial establishments where particular pesticides may be sold.

(g) conditions and procedures under which a public hearing shall be held prior to consideration of a request for a special permit for the aerial application of pesticides in residential neighborhoods.

(h) establishing standards for the packages, containers, and wrappers of pesticides registered for local needs. Such rules shall be consistent with the regulations promulgated by the United States Environmental Protection Agency pursuant to section 25(c) (3) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

(i) the collection, examination, and reporting of samples of pesticides.

(j) the safe handling, transportation, and disposal of pesticides and their containers.

(k) labeling requirements of all pesticides required to be registered under provisions of this chapter; provided that such rules shall not impose any requirements for federally registered labels in addition to or different from those required pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

(l) determining which pesticides with restricted uses or state restricted uses be distributed only by licensed pesticide dealers.

(m) procedures for the appeal process provided under RSA 149-D:17, I.

(n) criteria for eligibility for, and the limits on the use of, certificates of registration for commercial applicators, private applicators, and commercial applicators for hire.

(o) means to determine competency and ability of applicators to use pesticides in accordance with standards of the board.

(p) amounts of financial responsibility required of pesticide applicators, recordkeeping requirements and any other conditions that the board may require relative to criteria for licensing or issuance of permits, or renewal of said documents.

(q) development and administration of a state plan concerning the regulation of pesticide products for special local needs, pursuant to section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

(r) information required in support of requests to register pesticides.

(s) requirements necessary for the state plan to receive authorization from the United States Environmental Protection Agency to issue experimental use permits.

(t) limit or prohibit the use of any pesticide for which an experimental use permit has been issued by the United States Environmental Protection Agency pursuant to section 5(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and which the board finds may cause unreasonable adverse effects on the environment.

(u) the coloration, or discoloration of pesticides to protect the public health.

(v) in order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, and to secure uniformity between the requirements of the several states and the federal government relating to such poisons, after due public hearing, to adopt by rule such regulations applicable to and in conformity with the primary standards established by this chapter, as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

(w) the rules required by RSA 149-D:6; RSA 149-D:7; RSA 149-D:8; RSA 149-D:12 and RSA 149-D:14.

V. Advise the commissioner of agriculture with respect to the administration and enforcement of this chapter.

149-D:5 Division Established. There is hereby established the division of pesticide control within the department of agriculture which shall administer and enforce this chapter under the direction of the commissioner of agriculture.

149-D:6 Registration Certificates and Permits.

I. No person shall engage in the commercial application of pesticides or in the private application of restricted pesticides within this state without possessing a valid certificate of registration issued by the division. An annual fee of \$20 shall be collected by the division for each commercial applicator registration, except that no fee shall be collected from any non-profit entity or from any governmental entity. The board shall by rule establish the criteria for eligibility for, and the limits on the use of, certificates of registration for commercial applicator, private applicator, and commercial applicator for hire. Each application for registration shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the division may require. Every person applying for a registration certificate shall be required to demonstrate by examination, or by such other means as the board by rule may

establish, his competency and ability to use pesticides in accordance with standards of the board. The division shall require from each applicant proof of financial responsibility in amounts to be determined under rules adopted by the board.

Registered applicators shall maintain routine operational records pursuant to the rules of the board, which records shall be open to inspection at reasonable times by the division or its agents. Operational records for the preceding calendar year shall be submitted by an applicant for renewal of a certificate of registration. Upon submission of such records and satisfaction of such other conditions as the board may by rule impose, the division shall renew a certificate of registration.

II. No person, other than a commercial applicator, shall apply pesticides in this state without first obtaining a written permit from the division except as provided in RSA 149-D:19. The division shall require each applicant for a permit to demonstrate, by examination or other procedure prescribed by the board in rules, the applicant's competence and ability to use pesticides in accordance with standards of the board. Permit holders shall maintain routine operational records pursuant to rules of the board, which records shall be open to inspection at reasonable times by the division or its agents. Operational records for the preceding calendar year shall be submitted to the division by an applicant for renewal of a permit. Upon submission of such records and satisfaction of such other conditions as the board may by rule impose, the division shall renew a permit.

III. The division, after opportunity for a hearing, may suspend any certificate of registration or permit. After opportunity for a hearing, the division may revoke or modify the provisions of any certificate of registration or permit issued under this chapter, if it finds that the holder is no longer qualified, has engaged in fraudulent business practices in the application of pesticides, or has made any application in a careless, or negligent manner, or has violated any of the provisions of this chapter or rules of the board or any orders issued under this chapter, or has been convicted or is subject to a final order imposing a civil penalty under section 14 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, or under this chapter.

149-D:7 Application for Registration and Permits.

I. Annual certificates of registration or permits may be issued and fees shall be collected by the division.

II. Applications for registration and permits shall be on a form prescribed by the division and shall include the following:

(a) The full name and address of the person applying for the registration or permit.

(b) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or other organized group of persons whether or not incorporated, the full name of each member of the firm or partnership, or the

names of the officers of the association, corporation, or group, and the name of the person or persons charged with the responsibility for the application of pesticides.

(c) The name and address of a person whose domicile is in the state, and who is authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

(d) The type (ground or air) of any apparatus used by the applicant to apply pesticides.

(e) Any other information prescribed by the division.

III. Each application for initial examination of a commercial applicator shall be accompanied by an examination fee of \$5 for each category in which such examination is requested. When an applicator has been examined by the division and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted by the board, provided that each application for re-examination shall be accompanied by a re-examination fee of \$5 for each category in which re-examination is requested. A separate application and re-examination fee shall be filed by the applicant each time a re-examination is requested. Private applicators are exempt from this provision.

IV. One member of each crew operating a piece of equipment as a commercial applicator must be registered as required under this chapter. Any application of pesticides by a commercial applicator or person requiring a permit must be by or under the direct supervision of an individual who has satisfied the examination requirement of RSA 149-D:6, I or the examination or other competence verification requirement of RSA 149-D:6, II.

V. Fees collected from applicants for registration as commercial applicators under this chapter constitute a special pesticides control fund which does not lapse but may be used at any time to carry out the provisions of this chapter.

149-D:8 Pesticide Dealer License.

I. No person shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless he has obtained an annual license from the division, which shall expire on December 31 of each year. A license shall be required for each location or outlet from which such pesticides are distributed, sold, held for sale, or offered for sale.

II. Application for a license shall be accompanied by a \$20 annual license fee. Dealer applications for renewal received beyond the December 31 deadline shall be subject to a \$10 late registration fee. Application for a license shall be on a form prescribed by the division and shall include the full name of the person applying for such license. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business

address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the division; provided that the provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application; provided, further, that the provisions of this section shall not apply to any federal, state, or county agency which provides pesticides for their own programs.

III. Each applicant shall satisfy the division as to his knowledge of the laws and rules governing the use and sale of pesticides and his responsibility in carrying on the business of a pesticide dealer through examination. In addition, each employee or agent of a pesticide dealer who sells or recommends restricted-use pesticides, or state restricted-use pesticides shall obtain a pesticide dealer license. Each application for initial examination for a dealer license shall be accompanied by an examination fee of \$5. When an applicant has been examined by the division and found not qualified, the applicant shall be re-examined at a subsequent date in accordance with rules adopted by the board, provided that each application for re-examination shall be accompanied by a fee of \$5.

IV. Each pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of this chapter, whether committed by the dealer, or by the dealer's officer, agent, or employee.

V. Every licensed pesticide dealer who changes his address or place of business shall immediately notify the division.

149-D:9 Pesticide Product Registration. Every pesticide which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the division of pesticide control, and such registration shall be renewed annually; provided that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added by supplemental statements during the current period of registration.

149-D:10 Exception. Notwithstanding any other provisions of this chapter, registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person and used solely at such plant as a constituent part

to make a pesticide which is registered under this chapter or distributed under the provisions of an experimental use permit issued under this chapter or by the United States Environmental Protection Agency.

149-D:11 Statement Required.

I. The registrant shall file with the division a statement including:

- (a) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;
- (b) the name of the pesticide;
- (c) a complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use; and
- (d) if requested by the division, a full description of the tests made and the results thereof upon which the claims are based.

II. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last re-registered.

III. The registrant shall pay an annual fee of \$20 for each pesticide registered. The fees collected under this section constitute a special pesticide control fund, which does not lapse but may be used at any time to carry out the provisions of this chapter.

IV. The division, when deemed necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients.

V. The board may prescribe any other necessary information by rule.

VI. If it appears to the division that the composition of the article is such as to warrant the proposed claims for it and if it appears that the pesticide would not cause unreasonable adverse effects on the environment, and if the registrant has complied with all other provisions of this chapter, the division shall register the pesticide.

VII. If the division determines that any federally registered pesticide with respect to the use of such pesticide within this state,

- (a) Does not warrant the claims for it, or
- (b) If the pesticide would cause unreasonable adverse effects on the environment, the division may refuse to register the pesticide or if the pesticide is registered under this chapter, the registration may be cancelled or suspended as otherwise provided by this chapter.

VIII. No article shall be deemed in violation hereof when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, the provisions shall apply.

149-D:12 Special Local Needs Registrations.

I. Provided the state is certified by the administrator of the United States Environmental Protection Agency, if required, to register pesticides to meet

special local needs pursuant to section 24 (c) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, the division shall require the information set forth in RSA 149-D:11 and shall, subject to the terms and conditions of the United States Environmental Protection Agency certification, register such pesticide if it is determined that:

(a) its composition is such as to warrant the proposed claims for it;

(b) its labeling and other material required to be submitted comply with the requirements of this chapter;

(c) it will perform its intended function without unreasonable adverse effects on the environment;

(d) when used in accordance with widespread and commonly recognized practice it will not cause unreasonable adverse effects on the environment; and

(e) a special local need exists; provided that, prior to registering a pesticide for a special local need, the board shall classify the uses of the pesticide for general or restricted use in conformity with section 3 (d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and regulations promulgated pursuant thereto; provided, further, that the division shall not make any lack of essentiality a criterion for denying registration of any pesticide. If 2 pesticides meet the requirements of this paragraph, one may not be registered in preference to the other.

II. The board may develop and adopt such other requirements by rules as are necessary for the state plan to receive certification from the United States Environmental Protection Agency.

III. Provided the state is certified by the administrator of the United States Environmental Protection Agency, if required, to register pesticides formulated to meet special local needs, the division shall consider the following for refusal to register, for suspension, for cancellation, or for legal recourse for such pesticides:

(a) If it appears to the division that an application for registration cannot be granted pursuant to paragraphs I and II, and any rules adopted thereunder, the applicant shall be notified of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with this chapter or any rules thereunder, so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice the applicant does not make the required changes, the division may refuse to register the pesticide. The applicant may request a hearing as otherwise provided in this chapter.

(b) If the division determines that a pesticide or its label does not comply with this chapter or the rules adopted thereunder, or when necessary to prevent unreasonable adverse effects on the environment, they may cancel the registration of a pesticide or change the classification of a pesticide, after a hearing in accordance with this chapter.

(c) If the division determines that there is an imminent hazard,

they may, on their own motion, suspend the registration of a pesticide in conformance with RSA 541-A, the administrative procedure act. Hearings shall be held as soon as practicable.

(d) Any person who may be adversely affected by any order issued pursuant to this section may obtain judicial review thereunder by filing in the superior court, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the division and thereupon the division shall file in the court the record of the proceedings on which they based their order. The court shall have jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the division with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. Upon application, the court may remand the matter to the division to make further testimony if there are unreasonable grounds for the failure to adduce such evidence in the prior hearing. The division may modify their findings and their order by reason of the additional evidence so taken and shall file the additional record and any modification of the findings or order with the clerk of the court.

149-D:13 Experimental Use Permits. Provided the state is authorized by the administrator of the United States Environmental Protection Agency to issue experimental use permits and subject to the terms and conditions of such authorization, the division may:

I. Issue an experimental use permit to any person applying for such permit if determined that the applicant needs such permit in order to accumulate information necessary to register a pesticide for special local needs under RSA 149-D:12. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

II. Refuse to issue an experimental use permit if determined that issuance of such permit is not warranted or that the pesticide applications that would be made under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

III. Prescribe terms, conditions, and a period of time for the experimental use permit, which shall be under supervision of the division.

IV. Revoke or modify any experimental use permit, at any time, if it is found that its terms or conditions are being violated or that its terms or conditions are inadequate to avoid adverse unreasonable effects on the environment.

149-D:14 Prohibited Acts.

I. It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of RSA 149-D:9, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration; provided that, in the discretion of the division, a change in the labeling or formula of pesticide may be made within a registration period without requiring re-registration of the product.

(b) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(1) the name and address of the manufacturer, registrant, or person for whom manufactured;

(2) the name, brand, or trademark under which said article is sold; and

(3) the net weight or measure of the contents, subject, however, to such reasonable variations as the division may permit.

(c) Any pesticide which contains any substance in quantities highly toxic to man, determined as provided in RSA 149-D:4, unless the label shall bear, in addition to any other matter required hereby,

(1) the skull and crossbones;

(2) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(3) a statement of an antidote for the pesticide.

(d) The pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate unless they have been distinctly colored or discolored as provided by rules adopted under RSA 541-A, or any other white powder pesticide which the board, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by rule, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided that the division may exempt any pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if it is determined that such coloring or discoloring for such use or uses is not necessary for the protection of the public health; provided further that all rules adopted pursuant to this paragraph shall be consistent with the regulations promulgated by the United States Environmental Protection Agency with respect to discoloration or coloration of pesticides.

(e) Any pesticide which is adulterated or misbranded.

II. It shall be unlawful for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for herein, or rules adopted hereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose hereof.

III. It shall be unlawful for any person to use for his own advantage or to reveal, other than to the division or proper officials or employees of the state or of the United States or to the courts of this state or the United States in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority hereof.

IV. It shall be unlawful for any person to handle, transport, store, display, or distribute pesticides in such a manner as to endanger man and his environment or to endanger food, feed, or any other products that may be transported, stored, displayed, or distributed with such pesticides.

V. It shall be unlawful for any person to dispose of, discard, or store any pesticides or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

149-D:15 Administration and Enforcement.

I. The commissioner through the division shall be responsible for and shall arrange for the administration and enforcement of the provisions of this chapter and the administrative rules of the board.

II. The division may issue an order to any person in violation of any provision of this chapter, a permit or certificate of registration issued under this chapter, or a rule adopted under this chapter, to cease and desist from any act in violation of such provision, the permit or certificate of registration, or the rule. Orders of the division issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order to the board in accordance with the provisions of this chapter.

III. The division is authorized to examine any pesticides for the purpose of determining whether it complies with the registration requirements set forth in RSA 149-D:9, RSA 149-D:10, and RSA 149-D:11.

IV. The division may hold hearings concerned with the issuance of permits and certificates of registration, and the enforcement of these and any other provisions under this chapter.

V. The division may issue written "stop sale, use or removal" orders upon the owner or custodian of any pesticide or device when it is believed that such pesticide or device is being distributed in violation of any of the provisions of this chapter, or of any of the prescribed rules under this chapter. The pesticide or device shall not be sold, used or removed until the

provisions of this article have been complied with and the pesticide or device has been released by the division or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

VI. The division may seize for forfeiture any pesticide that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state which shall be liable to be proceeded against in any court in any county of the state where it may be found as provided by RSA 617;

(a) if it is adulterated or misbranded;

(b) if it has not been registered under the provisions of paragraph III; and

(c) if it fails to bear on its label the information required by this chapter.

VII. The division may impose administrative fines, pursuant to RSA 149-D:18, III, in the enforcement of this chapter, according to procedures set forth in RSA 541-A.

149-D:16 Inspections; Authority to Enter Premises. Notwithstanding any other provisions of this chapter, the division, or its duly authorized agents has the authority to enter upon any public or private premises at reasonable times for the purpose of determining compliance with this chapter, rules adopted by the board pursuant to this chapter or any certificate of registration or permit issued by the division, to:

I. Inspect the property when necessary before issuing a certificate of registration or permit for the application of a pesticide on the property and to observe the surrounding areas;

II. Inspect aircraft and ground equipment used or to be used for the application of pesticides;

III. Inspect crops, animals, or other property actually or reported to be exposed to pesticides;

IV. Inspect any area or building where the division has reason to believe pesticides are stored or disposed of;

V. Inspect and copy any records, information, invoices, or other pertinent documents related to pesticide storage, use and distribution;

VI. Inspect and obtain samples including:

(a) samples from containers, vehicles or equipment which the division has reason to believe contain pesticides;

(b) samples of soil, water and other substances which the division has reason to believe were exposed to pesticides;

VII. Inspect any area or building where pesticides are being or have been distributed, sold, offered for sale or used;

VIII. Issue orders and seize pesticides as authorized in RSA 149-D:15.

149-D:17 Appeals.

I. Any person aggrieved by any order or decision of the division may appeal to the board for a review of such order or decisions.

II. The board may affirm, deny, or modify the order of the division of pesticide control.

III. Rehearings and appeals from any decision of the board shall be in accordance with RSA 541.

149-D:18 Penalties.

I. Any person who violates any of the provisions of this chapter or rules of the board or an order issued under this chapter or who falsifies any records required to be kept pursuant to this chapter, or who obtains a certification or permit on the basis of a misrepresentation of material fact shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person who violates any provision of this chapter, or any rule or order issued under RSA 149-D shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for each such violation, or each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general. The proceeds of any such forfeiture shall be utilized in the enforcement of this chapter, for pesticide control research or to remedy damage to the resources of the state caused by unlawful pesticide use and application.

III. Any person who violates any provision of this chapter, or any rule or order of the division may be subject to the imposition of an administrative fine levied by the division, not to exceed \$1,000 for each violation.

149-D:19 Exemptions.

I. The following types of application of pesticides are exempt from the requirements of RSA 149-D:6:

(a) While engaged in research or experimental work for or under the direction of the state department of agriculture, United States Department of Agriculture or the university of New Hampshire agriculture experiment station, except that these users shall keep records of pesticides used by them in a manner required by other users of pesticides under this chapter, and except that no pesticide which is classified for use only by certified applicators pursuant to section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, may be used pursuant to this paragraph.

(b) The application of pesticides within, around, under, or in the immediate vicinity of a living unit by the occupant thereof, providing crops raised therein or thereon are not offered for sale; provided, however, that no pesticide, the sale or use of which in the state is prohibited or restricted by the board, or by the United States Environmental Protection Agency pursuant to section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, may be applied under this paragraph except in accordance with said restriction or prohibition; and provided, further, that a person applying pesticides, as allowed by this paragraph shall not allow any pesticides to enter any stream or body of water by reason of such application.

(c) Such categories of commercial applicators, other than commercial applicators for hire, as the board by rule excludes solely for the purpose of applying pesticides other than restricted pesticides, in such a manner and location as not to constitute a threat to public health or the environment, and as determined to be necessary for the efficient administration of this chapter.

II. Exempt from the provisions of RSA 149-D:14, I, are the following:

(a) Public officials of this state and the federal government while engaged in the performance of their official duties in administering state or federal pesticide laws or rules;

(b) The manufacturer, shipper, or distributor of a pesticide for experimental use only by or under the supervision of an agency of this state or of the federal government which is authorized by law to conduct research in the field of pesticides; provided that such manufacturer, shipper, or distributor holds or is covered by a valid experimental use permit issued pursuant to this chapter or by the United States Environmental Protection Agency.

149-D:20 Cooperation. The division is authorized and empowered to cooperate with, and enter into agreements with, any other agency of this state, the United States Environmental Protection Agency, and any other state or agency thereof for the purpose of carrying out the provisions of this chapter and securing uniformity of rules.

149-D:21 Limiting Operation of Statute. Nothing in this chapter modifies or limits in any way the powers and duties of the commissioner of agriculture under RSA 437, as amended, of the water pollution commission under RSA 149, 149-A and RSA 149-B; of the division of public health services under RSA 146 and RSA 148; or of the fish and game department under RSA 149:3, VI.

4 Repeal. RSA 438, relative to the economic poisons law is hereby repealed.

5 Conditional Amendment. If House Bill 25, An Act of the 1985 regular session entitled "An Act recodifying RSA title XL and relocating certain RSA chapters," becomes law, RSA 149-D:1 through 21 as inserted by section 3 of this act shall be renumbered and inserted into RSA to replace RSA 430:28 through 47 as inserted by House Bill 25 and RSA 149-D shall be repealed.

6 Effective Date.

I. Sections 3, 4 and 5 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 256-FN, permitting the propagation and sale of ferrets for pets. Inexpedient to Legislate.

The majority of the Committee felt that allowing the importation of even the European ferret, which has been relatively domesticated for many years, would be unwise. If they escaped into

the wild there would be a possibility of rabies infection. There is no preventive rabies serum approved for use with ferrets and, as far as the Committee can find, no veterinarian would be willing to inoculate a ferret. The Committee sympathizes with the difficulty the people who testified in favor of this legislation found in securing permission from the Fish and Game Department to have a pet ferret. Vote 11-6. Rep. Elizabeth A. Greene for Environment and Agriculture.

Rep. Burdick moved that HB 256 be made a Special Order for Wednesday, March 27 and spoke to his motion.

Rep. Elizabeth Greene spoke in favor of the motion.

Adopted.

HB 256 was made a Special Order for Wednesday, March 27.

HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal. Ought to Pass with Amendment.

House Bill 161 is important and much-needed legislation. Currently, the towns and cities of New Hampshire are planning and implementing means to comply with the State Solid Waste Management Act, RSA 149-M, and the Federal Resources Conservation Recovery Act.

The Federal Supreme Court recently ruled in the case of Community Communications Co. v. City of Boulder 102 S. Ct. 835 (1982) unless there is a "precise, clearly articulated and affirmatively expressed state grant of power to engage in specific anti-competitive actions," a local government is subject to the federal anti-trust laws.

It is necessary for the Legislature to act to immunize municipalities from both federal and state anti-trust laws in order for the municipalities to carry out the legislative mandate contained in RSA 149-M.

Further, it is meant to preclude burdensome and expensive anti-trust challenges to community actions. One example, among many, of the need for this legislation involves waste-to-energy facilities. It is absolutely critical to control the waste stream and insure a supply of waste to the facility. If this does not occur, the bonds necessary to fund the construction of the facility will simply not be marketable.

This bill is the product of considerable study and discussion and is meant to establish a clearly articulated state policy so that municipalities may carry out the purposes of RSA 149-M without the threat of anti-trust liability. Vote 19-0. Rep. Barbara B. Bowler for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Anti-Trust Exemption. Amend RSA 149-M by inserting after section 20 the following new section:

149-M:21 State Policy and Anti-Trust Exemption. To promote the state's interest in safe, clean, and efficient management and disposal of solid waste, it is hereby declared to be the policy of the state of New Hampshire that competition and enterprise may be displaced or limited by towns and counties, acting alone or in cooperatives or districts permitted under RSA 55-A or RSA 55-B, in the exercise of the powers, authorities, and responsibilities granted to them in this chapter as necessary to carry out the purposes of this chapter. The intent of this section is to exempt towns, counties, cooperatives, and districts so exercising said powers, authorities, and responsibilities from any liability therefor under RSA 356 and under federal anti-trust laws.

2. Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Bowler spoke in favor of the report. Ordered to third reading.

HB 171, relative to assaults by prisoners. Ought to Pass with Amendment. Those who are in charge of our penal institutions feel their hands are tied in the matter of assaults by prisoners under present law. This bill allows for enhanced penalties for this class, since they are in a special circumstance. It also provides additional safeguards in that those charged will have their right to indictment by the Grand Jury and trial in our courts if they are charged to prevent abuses by any officials or those in authority. Vote 7-5. Rep. Frank J. Sylvia for Judiciary.

Amendment

Amend RSA 641:6, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. "Official custody" means custody in a penal institution or other confinement by an order of a court.

Amend RSA 641:9, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The offense is a class B felony if the offense committed is simple assault as defined under RSA 631:1-a unless committed in a fight entered into by mutual consent, in which case it is a misdemeanor. The offense is a class A felony if the offense committed is first degree or second degree assault as defined under RSA 631:1 or RSA 631:2.

Amend RSA 641:9, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. If a person convicted of the offense of assault under this section, the

term of imprisonment authorized by RSA 651:2, II or RSA 651:6 shall be consecutive to and not concurrent with any other sentence to be served.

Amendment adopted.

Ordered to third reading.

HB 19, requiring the singing of the national anthem at the commencement of the regular legislative session. Inexpedient to Legislate.

The aim of the bill is admirable, and the Committee commends the sponsor for raising the issue. It was pointed out though that neither the opening prayer nor the pledge of allegiance are law: they are contained in the House Rules (52a: Order of Business of the Day). The consensus was to suggest to the Speaker that monthly on or about nationally recognized dates, the national anthem be included in the opening ceremonies. Vote 14-0. Rep. James A. Chandler for Legislative Administration.

Rep. Russell Chase spoke to the Committee report.

Resolution adopted.

HB 87, providing the legislative budget assistant with access to certain records. Ought to Pass with Amendment.

The inaccessibility to confidential records by the Legislative Budget Assistant seriously limits the legislative branch auditor ability to review or audit agency records. Consequently, its opinions, findings and suggestions for improvement when reported to the Legislature are qualified, thereby denying the Legislature the complete report of the agencies' effectiveness, efficiencies, and economies or the lack thereof. The amendment specifies (1) that access to such records is only for audit, and (2) in the case of such information obtained through exchange agreements with other states or the federal government, notice must be given to the head of the agency involved. Vote 14-0. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend RSA 149:31, DV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. Furnishing Information. All state departments, boards, institutions, commissions and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by paragraphs I, II and III. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, notwithstanding RSA 771:9; 126-A:2-a; 134-B:10-13; 151:13; 161-B:7; 167:30; 169-B:35; 170-B:16; 173-B-a; 354-A:9, II; 383:10-b;

400-A:25, 400-A:37, VI; 401-B:7 or any other provision of law. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential.

Amend RSA 71-A:11-a, III(d)(4) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

11. the legislative budget assistant in the performance of his duties under RSA 14:38, provided that disclosure of department records, files, returns or information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits of the department's accounts and records as are required by law. This exception shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results that do not disclose either taxpayer identity or specific taxpayer return information.

Amendment adopted.

Ordered to third reading.

HB 144, establishing a committee to study the powers, duties and functions of sheriffs and police. Ought to Pass with Amendment.

The establishment of a broad-based committee, encompassing all levels of New Hampshire law enforcement, to make a study of the statutes pertinent to police and sheriff activities, and to make recommendations if appropriate, could lead to closer coordination and improved law enforcement in New Hampshire. Vote 11-5. Rep. George T. Musier for Public Protection and Veterans Affairs.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

2 Committee Established. There is hereby established a committee to study the powers, duties and functions of sheriffs and police. The members of the committee shall be:

I. Three designees of the governor, one of whom shall be a town selectman, one of whom shall be a city alderman, and one of whom shall be a county commissioner.

II. One designee of the chief justice of the supreme court, who shall be a justice of a court having criminal jurisdiction.

III. Two designees of the New Hampshire Association of Chiefs of Police, one of whom shall be a chief of police of a town and one of whom shall be a chief of police of a city.

IV. One designee of the New Hampshire Sheriff's Association.

V. One designee of the commissioner of safety, who shall be an officer of the state police.

VI. The attorney general or his designee.

VII. Two members of the house of representatives appointed by the speaker of the house.

VIII. Two members of the senate appointed by the president of the senate.

Amend the bill by striking out sections 5 and 6 and inserting in place thereof the following:

5 Duties. The committee shall study the current provisions of the Revised Statutes Annotated which relate to sheriffs and police. The committee shall determine and make appropriate recommendations on how these provisions might be improved, limited, consolidated, expanded or better coordinated to clarify the powers, duties and functions of sheriffs and police.

6 Meetings; Support Staff; Reports. The committee shall meet as often as it deems necessary at such places as it shall determine. Secretarial and staff assistance shall be provided by the house of representatives. The committee shall prepare a report describing its activities and, if appropriate, make recommendations for proposed legislation clarifying the powers, duties and functions of sheriffs and police. The committee shall submit this report to the appointing authorities by September 1, 1986.

Amendment adopted.

Rep. Blais spoke against the Committee report.

Reps. Benton and Ames spoke in favor of the Committee report.

Rep. Clancy spoke against the Committee report and yielded on questions.

Rep. Daniel Eaton spoke in favor of the Committee report and yielded to questions.

Rep. Omandon moved the previous question. Sufficiently seconded. Adopted.

Rep. Blais requested a roll call.
Sufficiently seconded.

Rep. LaMott abstained from voting under Rule 16.

(Speaker presiding)
YEAS 289 NAYS 64
YEAS 289

BELKNAP: Brown, Richard Campbell, Dexter, Hawkins, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin, Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Wayne King, Mann, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Lionel Boucher, Bourque, Bridgewater, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Cote, Cox, Crotty, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Hendrick, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Kelley, Knight, Lown, Lozeau, Howard Mason, McCue, McGlynn, Messier, Morrisette, Murphy, Newcombe, Nute, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Stonner, Tamposi, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Harold Watson, Kenneth Wheeler, M. Arnold Wight, Winn, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Connolly, Daniell, Fraser, Gilbreth, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Shepard, Stio, Wallner, West and James Whitemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Patti Blanchette, Burdick, Butler, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Harry Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Haynes, Hoar, Hollingworth, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Joseph MacDonald, Mace, Robert Mason, McCain,

McKinney, Benjamin Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Popov, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bryant, Burton, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Keans, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 64

BELKNAP: Birch, Bolduc, Bowler, Brough, Golden, Malcolm Harrington, Holbrook, Jensen, Matthew Locke and James J. White.

CARROLL: None.

CHESHIRE: Kohl, Morse and Secord.

COOS: York.

GRAFTON: Bennett, Hutchings and McAvoy.

HILLSBOROUGH: August, Barry, Beaupre, Blais, Robert Blanchette, Boisvert, Bourdon, Burkush, Charron, Clancy, Cronin, Duperron, Dupont, Dykstra, Gagnon, Scott Green, Healy, Herod, Labombarde, Levesque, Martin, O'Rourke, Perham, Philip Rodgers, Steiner, Mary Sullivan, Vanderlosk, Emma Wheeler and Lucille Wood.

MERRIMACK: George Gordon, Alf Jacobson, Arthur Locke, Pannell, Roberts, Savaria and Gerald R. Smith.

ROCKINGHAM: Flanagan, Elizabeth Greene, Robert Johnson, Magoon and Stachowske.

STRAFFORD: Bernard, Callahan, Patricia Foss, Kincaid and Pelley.

SULLIVAN: Domini, and the report was adopted.

Ordered to third reading.

HB 377, making the provision of services to persons who have not obtained necessary building or other town permits a misdemeanor. Inexpedient to Legislate.

This bill duplicates existing law, adds an unnecessary layer of requirements and places an unreasonable burden on the provider of services. Vote 23-0. Rep. William J. Sullivan for Commerce, Small Business and Consumer Affairs.

Rep. Mann moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Palumbo and Crory spoke against the motion.

Rep. Hoar spoke in favor of the motion.

Rep. Harold Burns spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

HB 223-FN, defining prestige number plates as vanity plates. Inexpedient to Legislate.

The Committee could not see any reason to treat these plates differently, some of these plates have been held by one owner for over 50 years. Testimony showed that over 80% of these plates were held by the elderly and the increased fee would be an unfair burden on them. Vote 10-0. Rep. Stephen Sloan for Transportation.

Rep. George Gordon moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Sloan and Irvin Gordon spoke against the motion.

Rep. Alf Jacobson spoke in favor of the motion and yielded to questions.

Rep. Robert Johnson moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 80 NAYS 270

YEAS 80

BELKNAP: Brough, Brown, Dexter and Golden.

CARROLL: Gene Chandler, Dickinson, McIntire and Olimpio.

CHESHIRE: Blacketor, Burley, Delano, Grodin, Elmer Johnson, Perry, Secord, Thompson and Young.

COOS: Coulombe.

GRAFTON: Bennett, Christy, Driscoll, Duggan, McAvoy and Howard Townsend.

HILLSBOROUGH: August, Barry, Bourdon, John Burns, Charron, Chretien, Cote, Gagnon, Hyman, George Jones, Martin, Howard Mason, McCue, Morrisette, Murphy, Newcombe, Pressly, Frances Riley, Shriver, Mary Sullivan, Tamposi and Wagner.

MERRIMACK: Barberia, Connolly, Daniell, George Gordon, Alf Jacobson, Jelley, Lewis, Arthur Locke, Nichols, Pannell, Rehlander and Roberts.

ROCKINGHAM: Blanchard, Burdick, Conroy, McKinney, Benjamin Moore, Newman, Norman Rogers, Rosencrantz, Sanderson, Schwaner, Simon and Sytek.

STRAFFORD: Bryant, Meader, Musler, Bruce Packard and Spear.

SULLIVAN: Call, D'Amante, McKee, Rodeschin and Spaulding.

NAYS 270

BELKNAP: Birch, Bolduc, Bowler, Richard Campbell, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Crane, Davis, Daniel Eaton, Frink, Irvin Gordon, Kohl, Matsun, Miller, Parker, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton and William Sullivan.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Horton, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Easton, Hutchings, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Beaupre, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourque, Bridgewater, Burkush, Leslie Burns, Carragher, Chagnon, Champagne, Clancy, Cox, Cronin, Crotty, Duperron, Dupont, Duprey, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, McGlynn, Messier, Nute, Bonnie Packard, Norman Packard, Pappas, Paquette, Paradis, Parmenter, Pellow, Perham, Prestipino, Reardon, Ellen-Ann Robinson, Philip Rodgers, Sallada, B. P. Smith, Leonard Smith, Steiner, Stonner, Turgeon, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Fraser, Gilbreth, Hayes, Mary Holmes, C. William Johnson, Kidder, Millard, Pantzer, Phelps, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Patti Blanchette, Butler, Case, Lawrence Chase, Clay, Connors, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Joseph MacDonald Mace, Magoon, McCain, Nagel, Newell, Palumbo, Pantelakos, Popov, Raynowska, Romoli, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Titone, Vaughn, Walker, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Burton, Callahan, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Laurion, Lussier, O'Brien, Parks, Pelley, Francis Robinson, Henry Sullivan, Swope, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Disnard, Domini, Paul Johnson, Lindblade, Mehegan, Normandin, Schotanus and Sara Townsend, and the motion lost.

Rep. Anderson notified the Clerk that she inadvertently voted nay and meant to vote yea.

Resolution adopted.

RECONSIDERATION

Rep. Kenneth MacDonald moved that the House reconsider its action whereby it nonconcurring with the Senate amendment and requested a Committee of Conference on HB 65, increasing the legal drinking age to 21.

Rep. Hayes abstained from voting under Rule 16.

Reconsideration prevailed.

Question now being on the Senate amendment to HB 65.

The Clerk read the amendment.

Rep. Kenneth MacDonald moved that the House concur.

Rep. Newman spoke in favor of the motion. Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 21 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 91, relative to counting absentee ballots.

SB 13, relative to certain wild birds.

HB 163, relative to closure of food service establishments.

HB 227, relative to food service licensure.

HB 272, relative to mortgages.

HB 275, removing double damages for injuries by dogs.

HB 296, relative to the disorderly conduct law.

HB 322-FN, eliminating the filing fee for charitable trusts when the market value of trust property is less than \$10,000.

HB 313, relative to the workers' compensation advisory council.

HB 205, repealing statutes affecting an agency that has been sunsetted.

HB 96, amending certain planning and zoning statutes.

HB 187, relative to antitrust liability of municipalities in planning and zoning.

HB 208, relative to penalties for violations of the planning and zoning statutes.

HB 102-FN, relative to sunset review of the daily number game.

HB 125-FN, relative to sunset review of pari-mutuel laboratories.

HB 241, eliminating the hydro-energy power promotion functions of the water resources board.

HB 387-FN, relative to funds for the automated information system in the state library.

CACR 16, relating to the term of the governor. Providing that the term shall be 4 years.

HB 142-FN, relative to sunset review of agricultural regulations program.

HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal.

HB 171, relative to assaults by prisoners.

HB 87, providing the legislative budget assistant with access to certain records.

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:00 p.m.

RECESS

(Speaker in the Chair)

Rep. Kidder offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 802, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas. (Greene of Rockingham Dist. 18 - To Environment and Agriculture)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

HOUSE JOURNAL 12

Thursday, 21 Mar 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we have been elected as public servants, but at times the image of what a good servant is gets blurred. Pressure from groups and requests from friends tend to cloud issues before us. Jesus set an example of a servant who knew His mission, was motivated by love and saw no need to defend Himself. Help us to learn how to be good public servants to the benefit of our State and all the persons who live here. Amen.

Rep. Pannell led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hardy, Wadsworth, Malcolm, Reidy, Lamontagne, Kinhan, Popov and Hyman, the day, illness.

Reps. Wight, Keefe, Beverly Gage, Cate, Vartanian, Gross, Donovan, Scamman, Elizabeth Moore, Longworth, William Boucher, Dingle, Bolduc, Michael Jones, Stonner, Pantzer, Champoux, Duprey, Nelson, Frew, Burton and Quimby, the day, important business.

Rep. Walker, the day, illness in the family.

INTRODUCTION OF GUESTS

Phyllis H. Delano, guest of Rep. Delano; Michelle Knight from Mt. Holyoke College, guest of Rep. Connolly; Ralph Davis and students from the Wentworth Elementary School, guests of Rep. Barberia; Edwina Stewart and Beatrice Macomber, wife and sister of Rep. Stewart; Epping Girl's Basketball Team with their coach, guests of the House.

THREE-LEGISLATIVE DAY EXTENSIONS

Rep. Ward moved that the Committee on Executive Departments and Administration be granted a three-legislative day extension on HB 167, establishing a department of commerce, HB 288, relative to the personnel division, department of administrative services, HB 414, relative to the purchasing authority of the director, division of plant and property management, and HB 462,

transferring liquor investigators from group I to group II in the New Hampshire retirement system.
Granted.

SENATE MESSAGES CONCURRENCE

HB 11, relative to the national guard scholarship fund.

HB 158-FN, relative to sunset review of training education.

HB 111-FN, relative to sunset review of vocational rehabilitation social security program.

HB 195, relative to public employee labor negotiations.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 268-FN, making certain supplemental appropriations. (Amendments printed SJ 3/14 and 3/19)

Rep. Kidder moved that the House concur. Adopted.

REQUESTS CONCURRENCE

SB 69, relative to termination of tenancies in manufactured housing parks.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 69 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 69, relative to termination of tenancies in manufactured housing parks. (State Institutions and Housing)

The Speaker called for the Special Order.

CACR 9, relating to limiting sweepstakes funds to educational purposes and programs. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. Inexpedient to Legislate.

This amendment is not needed as a part of our Constitution. Current statutes should take care of this situation. It is the duty of the Governor of the State of New Hampshire to insure that the intent of the enacted legislation is carried out. Vote 7-4. Rep. George E. Gordon, III for Constitutional and Statutory Revision.

Rep. Hawkins moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Holden, George Gordon and Joseph Eaton spoke against the motion.

Rep. Hawkins requested a roll call, sufficiently seconded.

(Speaker presiding)
YEAS 108 NAYS 232
YEAS 108

BELKNAP: Malcolm Harrington, Hawkins, Jensen and James J. White.

CARROLL: Olimpio.

CHESHIRE: Blacketer, Crane, Ramsay, William Riley, Russell, Secord, William Sullivan and Young.

COOS: Brideau, Coulombe, Guay, Ottolini and York.

CRAFTON: Arnesen, Bennett, Copenhaver, Easton, Hutchings, Michael King, Wayne King, Scanlan, Stewart and Taffe.

HILLSBOROUGH: August, Beasupre, Lionel Boucher, Boutwell, Bridgewater, Burkush, John Burns, Charron, Cote, Crotty, Ducharme, Duperron, Marian Harrington, Chris Jacobson, Lamy, Howard Mason, McCue, McGlynn, Newcombe, O'Rourke, Pappas, Paquette, Paradis, Pellow, Perham, Pressly, Reardon, Ellen Ann Robinson, Turgeon, Vanderlosk, Varkas, Wagner, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, Daniell, Hager, Alf Jacobson, Jelley, Pannell, Rehlander, Gerald Smith and James Whittemore.

ROCKINGHAM: Bangs, Burdick, Butler, Case, Clay, Connors, Conroy, Ellyson, Harry Flanders, Hollingworth, Phyllis Katsakiores, Lovejoy, Nagel, Newman, Raynowska, Rosencrantz, Schmidtchen, Sherburne, Stachowske, Vaughn, Warburton and Wells.

STRAFFORD: Diamant, Donnelly, Patricia Foss, Keans, Laurion, O'Brien, Parks, Pelley and Ralph Torr.

SULLIVAN: Brodeur, Disnard, Paul Johnson, McKee and Normandin.

NAYS 232

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Dexter, Golden, Holbrook, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Burley, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ridge, Schwartz, Scranton and Thompson.

COOS: Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Marsh, Mayhew and Theriault.

CRAFTON: Bean, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Duggan, Mann, McAvoy, Rounds, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Bernier, Blais, Robert Blanchette, Boisvert, Bourdon, Bourque, Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Clancy, Cox, Cronin, Dupont, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Healy, Herod, Hogan, Holden, Humphrey, Jasper, George Jones, Kelley, Knight, Labombard, Levesque, Lown, Lozeau, Martin, Messier, Morrisette, Murphy, Nute, Bonnie Packard, Parmenter, Prestipino, Raiche, Frances Riley, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Mary Sullivan, Tamposi, Van Loan, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Winn.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Connolly, Fraser, Glibreth, George Gordon, Hayes, Mary Holmes, C. William Johnson, Kidder, Arthur Locke, Millard, Nichols, Phelps, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Stio, Wallner and West.

ROCKINGHAM: Ames, Benton, Blaisdell, Blanchard, Marilyn Campbell, Lawrence Chase, Day, Emanuelson, Felch, Flanagan, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Roger King, Krasker, Joseph MacDonald, Mace, Magoon, McCain, McKinney, Benjamin Moore, Newell, Palumbo, Pantelakos, Parr, Pevear, Norman Rogers, Sanderson, Schwaner, Seward, Skinner, Sloan, Splaine, Sytek, Titone, Tufts, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Callahan, Chamberlin, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Kincaid, Lussier, Meader, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, D'Amante, Domini, Lindblade, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Report adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 170-FN was removed at the request of Rep. James J. White.

HB 309 was removed at the request of Rep. Guay.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, and excess to be lapsed into the highway fund. Ought to Pass with Amendment.

At the present time the state pays \$50 per pupil for driver education training. As amended, HB 89-FN would distribute all driver training moneys on a per pupil basis; this should amount to

more than a million dollars additional each year. Vote 18-1. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend RSA 263:52, as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

263:52 Driver Training Fund. The proceeds from original license fees as provided in RSA 263:42, I and VI, number plates for citizens' band operators in accordance with RSA 261:79, and the special fee for vanity number plates collected in accordance with RSA 261:89 or the renewal of the use of such plates, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per-pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of secondary schools to receive moneys from the fund established by this section.

HB 184-FN, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters. Ought to Pass with Amendment.

In the event the Fish and Game property on Bridge Street is sold, all monies derived from the sale will be returned to the Fish and Game fund for the rebuilding of their facilities elsewhere. Vote 18-0. Rep. Lee Ann S. Steiner for Appropriations.

Amendment

Amend paragraph III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The property described in paragraph I shall be appraised twice before a sale takes place, and at least one appraisal shall be made by an appraiser from the private sector. If the property is to be transferred to any other state or municipal agency, the amount of such appraised value shall be credited to the fish and game fund.

HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor. Ought to Pass.

The Hampton steel seawall, in one of the most vital tourist areas of the state, is badly in need of repair and reconstruction. Protection of our coast is essential to the economic base of our state. Vote 19-0. Rep. William Matson for Appropriations.

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington. Ought to Pass.

The final phase of rehabilitating Tip Top House will restore the interior of the original building built in 1853 and open it to the public as a museum on Mount Washington, first climbed by Darby Fields and two Abnaki Indians in 1642. Vote 18-1. Rep. Laurent J. Boucher for Appropriations.

HB 307-FN, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985. Ought to Pass with Amendment.

This bill appropriates \$112,500 to qualified agricultural fairs from present biennium revenues. The amendment permits the distribution to take place as soon as possible. Vote 18-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplemental Appropriation. Notwithstanding the provisions of 1983, 469:9, the sum of \$112,500 is hereby appropriated to the department of agriculture to be distributed as soon as possible by the commissioner of agriculture equally to the agricultural fairs which are qualified according to RSA 284:25. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy. Ought to Pass. The title of this bill is self-explanatory. Vote 19-0. Rep. Howard C. Townsend for Appropriations.

HB 262, relative to the resale of tickets. Ought to Pass with Amendment. The intent of this bill, as amended, is to afford protection to the public from unscrupulous ticket scalpers. The Committee supports the bill by a vote of 13 to 2 with the only reservation that the penalty was not stringent enough. Rep. William A. Varkas for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Ticket Scalping, Prohibited. Amend RSA 339 by inserting after section 70 the following new subdivision:

Resale of Tickets

339:71 Resale of Tickets; Certain Sales Prohibited.

I. No person shall sell, offer for sale or attempt to sell in this state any ticket, privilege or license of admission to an entertainment event, wherever held, including, but not limited to, any place of amusement, arena, stadium, theatre, performance, sport, exhibition, or athletic contest at a price greater than the price, including tax, printed thereon, or at a price greater than the price fixed for admission, including tax and a reasonable service charge for services actually rendered not to exceed \$3 or 20 percent, whichever is greater.

II. The owner or operator of the property on which such entertainment event is to be held or is being held may authorize, in writing, any person to sell such ticket, privilege or license of admission at a price in excess of that authorized under paragraph I. Such writing shall specify the price for which such ticket, privilege or license of admission is to be sold.

339:72 Penalty. Any person violating the provisions of this subdivision shall be guilty of a misdemeanor. The sale of each ticket in violation of any provision of this subdivision shall constitute a separate offense, with a fine of not less than \$100 per violation.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 303, establishing a residency requirement for public utility commissioners. Inexpedient to Legislate.

The majority of the Committee feels that the most important criteria for choosing a Public Utilities Commissioner is not residency, but rather education, experience and technical-background relationship with the other Public Utilities Commissioners. Deep concern was expressed with painting ourselves into a corner and not allowing our state to have the most qualified individuals sitting on this important commission. Qualifications must remain the criteria for choosing Public Utilities Commissioners, not residency. Vote 13-5. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 318, relative to mortgage company escrow accounts. Ought to Pass With Amendment.

The Committee approved this housekeeping bill to improve language and substance relative to mortgage company escrow accounts. The amendment requires banks and mortgage companies to pay not less than 5 percent per year. The original bill was requested by the Bank Commissioner. Vote 18-0. Rep. George F. Disnard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to mortgage escrow accounts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interest on Escrow Accounts. Amend RSA 384:16-c as inserted by 1973, 566:2 by striking out said section and inserting in place thereof the following:

384:16-c Interest on Escrow Accounts. Any bank which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes, insurance premiums or other expenses related to loans on property secured by real estate mortgages shall credit each such escrow account with interest at a rate of not less than 5 percent per year.

2 Mortgage Company Escrow Accounts. Amend RSA 384:16-e (supp) as inserted by 1983, 369:11 by striking out said section and inserting in place thereof the following:

384:16-e Escrow Accounts of Mortgage Companies. Any company which is in the business of or customarily makes loans for the purpose of financing the acquisition of single family homes and which is not subject to the requirements of RSA 384:16-c and which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes, insurance premiums or other expenses related to loans on single family homes secured by real estate mortgages on property located in New Hampshire shall credit each such escrow account with interest at a rate of not less than 5 percent per year on all existing and future accounts.

3 Effective Date. This act shall take effect July 1, 1985.

HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district. Ought to Pass with Amendment.

This bill permits the New Hampshire Industrial Authority to issue industrial development revenue bonds for commercial facilities located in a development district. The amendment expands findings by Governor and Council to include the new language of the bill. Vote 15-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Approval of Governor and Council. Amend RSA 162-I:9, II(a)(5) (supp) as inserted by 1975, 98:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(5) If the facility is a commercial facility, the governor and council shall find that the establishment and operation of the facility will either create or preserve employment opportunities directly or indirectly within the state, will facilitate the rehabilitation of a blighted area in the case of a redevelopment project area or the revitalization of a depressed district in the case of a development district, and will likely be of general benefit to the community as a whole;

3 Effective Date. This act shall take effect 60 days after its passage.

HB 386, establishing a bureau of international trade and a non-profit corporation to promote New Hampshire businesses and products overseas, and making an appropriation therefor. Refer for Interim Study.

The Committee wants to study this subject to see if there is a need to promote New Hampshire products abroad either through state government or through trade associations. Vote 14-0. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

HB 512, relative to cease and desist orders by the bank commissioner. Ought to Pass with Amendment.

The effect of passage of HB 512 will be to assist the New Hampshire Banking Department become accredited by the National Association of Bank Superintendents. Vote 15-0. Rep. Conrad Quimby for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 384:12-d as inserted by section one of the bill by striking out same and inserting in place thereof the following:

384:12-d Notice to and Concurrence of Federal Authorities. In connection with any proceeding under this subdivision involving a financial institution under the concurrent supervision of a federal agency and the commissioner, the commissioner shall provide the appropriate federal agency with notice of such proceeding and the grounds therefor. Such proceedings shall then only be continued by the commissioner with the concurrence of the appropriate federal agency.

HB 113-FN, relative to sunset review of vocational rehabilitation. Ought to Pass with Amendment.

This bill was recommitted to provide for a report from the Director of Blind Services to be delivered to a joint committee of Education and Resources, Recreation and Development on the progress of the in-service training program as provided for in the Committee amendment. Vote 15-0. Rep. William P. Boucher for Education.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Duties of Blind Services; Training Sessions. Amend RSA 186-B:11, V and VI as inserted by 1975, 260:1 by striking out said paragraphs and inserting in place thereof the following:

V. Provide the necessary training and supervision to licensed blind persons;

VI. Adopt rules, pursuant to RSA 541-A, to carry out this subdivision; and

VII. Conduct mandatory training seminars for operators of its vending facilities, which shall address topics concerning the management of vending facilities, including, but not limited to, the following:

- (a) customer relations,
- (b) marketing techniques,
- (c) personnel hiring and

training,

- (d) inventory control,
- (e) new products,
- (f) machine repair and

maintenance, and

- (g) accounting.

4 Legislative Oversight. The director of the blind services vending program shall report to a joint session of the education committee and the resources, recreation and development committee of the house of representatives during January of 1987 on the training activities mandated by RSA 186-B:11, VII and the effectiveness of such training.

5 Effective Date. This act shall take effect upon its passage.

HB 295, relative to school district boundaries in Canterbury and Concord. Ought to Pass.

This is a housekeeping bill to ease the school attendance of children living in the school district boundaries of the town of Canterbury and the city of Concord. Vote 13-0. Rep. Jesse F. Davis for Education.

HB 390-FN, changing the funding of special education and making an appropriation therefor. Inexpedient to Legislate.

The Committee recognizes the need to deal with the problem of spiralling special education costs now facing New Hampshire's cities and towns, but feels that HB 390-FN, is not the proper vehicle for doing this. HB 390 would encourage school districts to place special education students in out-of-district programs without regard for expense, since the bill would require the state to pay all per pupil costs. The Committee intends to address this important issue through other bills this session. Vote 18-0. Rep. Betty Jo Taffe for Education.

HB 51, relative to the rulemaking authority of the office of waste management. Ought to Pass with Amendment.

The amended bill requires that rulemaking concerning siting criteria includes economic assessment in a defined area. It also requires the Office of Waste Management to give

due consideration to the studies and recommendations of the municipal hazardous waste facility review committees. Vote 15-0. Rep. Barbara B. Bowler for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rulemaking. Amend RSA 147-A:3, IX (supp) as inserted by 1981, 413:2 as amended by striking out said paragraph and inserting in place thereof the following:

IX. The terms and conditions under which the office shall issue, modify, suspend, revoke, or deny permits required by this chapter. These terms and conditions shall include, but are not limited to, monitoring, contingency plans, closure, evidence of financial responsibility, and criteria for the siting of a hazardous waste facility. The siting criteria may include methods and procedures for evaluating the effects of a hazardous waste facility on the public health and safety, the environment, and on the economy of the host municipality and other contiguous municipalities.

2 Permit Application Review. Amend RSA 147-A:5, I (supp) as inserted by 1981, 413:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. In reviewing an application for a permit to operate a hazardous waste facility, the office shall give due consideration to all rules of the office and to all studies and reports submitted by a municipal hazardous waste facility review committee established under RSA 147-C.

3 Effective Date. This act shall take effect upon its passage.

HB 160-FN, relative to sunset review of the air resources agency. Ought to Pass with Amendment.

This bill renews the Air Resources Agency for 6 years. The amendment requires the Air Resources Commission to submit a study relative to the recovery of permitting costs. Vote 13-3. Rep. Catherine O'Brien for Environment and Agriculture.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Report. The air resources commission shall submit a report to the house of representatives' standing committee on environment and agriculture detailing an air resources agency plan to recover, through permit fees as directed by RSA 125-C:12, IV, 100 percent of the costs incurred by the agency in reviewing permit applications and enforcing permit conditions and terms. The air resources agency shall provide the air resources commission with all the information required to complete the report. The report shall be submitted to the committee not later than August 1, 1985.

4 Effective Date. This act shall take effect upon its passage.

HB 174-FN, allowing owners of land in current use to use gravel and other substances from those tracts to build on-site roads and landings without changing the current use status. Ought to Pass with Amendment.

This bill, as amended, allows gravel to excavation for forestry and agricultural purposes within qualifying property with approval of local authorities. It also specifies that topsoil removal would be allowed for harvesting of a sod farm crop. Vote 15-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 On Site Roads and Landings. Amend RSA 79-A:7, IV (b) (supp) as inserted by 1979, 485:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Topsoil, gravel or minerals are excavated or dug from the site; except:

(1) removal of topsoil in the process of harvesting a sod farm crop in amounts which will not deplete the topsoil; and

(2) removal of gravel and other materials for construction and maintenance of roads and landings for agricultural and forestry purposes within the qualifying property of the owner or, with the approval of local authorities, to other qualifying property of the owner. Sale of excavated materials shall constitute a land use change of the property from which the material was excavated. The site shall be reclaimed when the construction or maintenance project is completed to mitigate environmental and aesthetic effects of the excavation. Both project completion time and acceptability of reclamation shall be determined by local authorities. The owner shall keep local officials informed in writing of plans to remove and use of soil material from qualifying lands for purposes of this subparagraph and to assume conformance with any local ordinances, as well as plans for reclamation of the site.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 301, relative to the state committee on mosquito control. Ought to Pass with Amendment.

This bill has been amended to strike out of the RSAs the section which established the State Mosquito Control Committee. The original sponsor of this legislation (Rep. Elizabeth A. Greene) agrees that this section is no longer useful. The authorization for the organization into mosquito districts by any group of towns remains in the law. Vote 16-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Repeal. The following are hereby repealed:

I. RSA 437-A:1, relative to the declaration of purpose of mosquito control.

II. RSA 437-A:2, relative to the state committee.

III. RSA 437-A:3, relative to duties of the committee.

HB 317, relative to waste lubricating oil disposal. Inexpedient to Legislate. Much of the subject matter of this bill is already being addressed by the federal government through Resource Conservation Recovery Act and the National Oil Recycling Act. To limit the retail outlets for lubricating oil, as this bill would do, is not fair to the consumers and does nothing to prevent the dumping of waste oil on the ground by individuals. What is needed is an incentive for consumers to recycle used oil. Vote 16-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 106-FN, relative to sunset review of the office of state negotiator. Ought to Pass with Amendment.

This Sunset bill transfers the function of negotiation to the Governor's Office, but the office of negotiator has been abolished. The Governor may use any unclassified employee to be the negotiator. The present state negotiator will become the contract administrator and remain in the Department of Personnel. Vote 20-0. Rep. Harold W. Watson for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Contract Administrator. Amend RSA 21-I by inserting after section 14 the following new section:

21-I:15 Contract Administrator.

1. The director of personnel, with the approval of the commissioner, shall appoint a contract administrator.

II. The contract administrator shall be an unclassified employee and shall serve a 4 year term.

III. The contract administrator, under the supervision of the director of personnel, shall:

(a) administer all collective bargaining agreements with classified employees;

(b) provide professional support and assistance to the governor in the conduct of negotiations with representatives of classified employees;

(c) represent the state, in cooperation with the attorney general, in all grievance actions related to collective bargaining agreements before the public employees labor relations board.

2 Termination; Office of State Negotiator. The office of state negotiator, PAU 0113, is hereby terminated and all functions, powers, duties, personnel, equipment, records, and unexpended appropriations of that office are transferred to the department of administrative services.

3 Salary.

I. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out in Group N, state negotiator.

II. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in Group N, contract administrator.

4 Transition. The incumbent state negotiator in office as of the effective date of this act shall be transferred to the department of administrative services and become the first contract administrator. The incumbent shall have a 4 year term. The incumbent shall retain all retirement, sick leave, and annual leave credits to which he is entitled as of the effective date of this act.

5 State Employee Bargaining. Amend RSA 273-A:9 as inserted by 1975, 490:2 by striking out said section and inserting in place thereof the following:

273-A:9 Bargaining by State Employees.

I. Cost items and terms and conditions of employment affecting state employees generally shall be negotiated by the state, represented by the governor as chief executive, with all interested bargaining units. Negotiations regarding terms and conditions of employment unique to individual bargaining units shall be negotiated individually with the representatives of those units by the governor.

II. To assist in the conduct of such negotiations the governor may appoint an official state negotiator. The official state negotiator shall not be a classified state employee.

III. The governor shall also appoint an advisory committee to assist in the negotiating process. The contractor administrator appointed under RSA 21-I:15 shall be a member of this committee.

IV. The department of administrative services, through the contract administrator and his staff, shall provide administrative and professional support to the governor in the conduct of negotiations.

6 Contingency; Division of Personnel. In the event the general court enacts legislation during the 1985 legislative session creating a division of personnel within the department of administrative services, then the references to the "department of administrative services" provided for in this act shall be changed to read "division of personnel."

7 Effective Date. This act shall take effect July 1, 1985.

HB 210, requiring employers who fail to properly enroll employees in the New Hampshire retirement system to pay the employee contribution. Inexpedient to Legislate.

This bill would seek to gain compliance with the compulsory membership requirements of the retirement statute by imposing penalties on political subdivisions who fail to properly enroll employees. The Committee feels that the Retirement System has not made full use of administrative means that are available to it for encouraging compliance. Vote 19-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 305-FN, authorizing the barbering and cosmetology board to set fines. Ought to Pass.

This bill provides a means of addressing the violation of the existing licensing laws in a manner less than revocation, but greater than reprimand. It also reduces the need to involve State Police to enforce the license laws. Vote 19-0. Rep. William F. McCain for Executive Departments and Administration.

HB 376-FN, establishing a forensic polygraph licensing board. Inexpedient to Legislate.

This legislation would institute licensing covering only 15-20 examiners in the State at present. The Association has demonstrated capability to provide policing of its own activities, and there is no demonstrated benefit to the public. Vote 19-0. Rep. William F. McCain for Executive Departments and Administration.

HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor. Ought to Pass.

This legislation addresses a clearly demonstrated need to provide enforcement of the controlled substance act. The area of drug abuse violations cannot be addressed with the current force of one (1) inspector. Vote 19-0. Rep. William F. McCain for Executive Departments and Administration.

Referred to Appropriations.

HB 138-FN, relative to sunset review of game resources. Ought to Pass with Amendment.

This bill re-creates the Game Management Department of the Fish and Game

Department. The amendment allots the Department more time to set migratory bird season. Vote 14-0. Rep. Harold F. Magoon for Fish and Game.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Migratory Birds. Amend RSA 209 by inserting after section 6-a the following new section:

209:6-b Rules Relative to Migratory Birds.

I. The fish and game department shall be exempt from the provisions of RSA 541-A when setting the seasons and bag limits for migratory birds as permitted in RSA 209:6 when federal regulations require that a rule be adopted sooner than permitted by RSA 541-A. Such rules may be adopted after whatever notice and hearing the agency finds to be practicable. The agency shall make reasonable efforts to ensure that such rules are made known to persons who may be affected by them.

II. Rules adopted under this section shall be filed with the director of legislative services and with the legislative committee on administrative rules.

4 Game Management and Research Report.

I. The executive director of the fish and game department shall, by January 1, 1986, submit a report to the appropriate standing committees of the house and senate.

II. The report shall outline the following:

(a) analysis of the feasibility of establishing tax incentives for local property owners who cooperate in wildlife management including the estimated costs of such a plan;

(b) a plan for fund allocation within the department including:

(1) an identification of the total revenue derived from fish related activity and the total revenue derived from game related activity and identify the total costs of fish related activity and game related activity;

(2) a statement of the costs of law enforcement and general support operations to game and fish generated revenue;

(3) proposals for necessary changes in licensing fee structure to accomplish an equitable balance between fish and game management programs.

(c) a proposal to initiate action on the deer management plan including:

(1) estimated costs;

(2) source of funding.

5 Effective Date. This act shall take effect upon its passage.

HB 420-FN, relative to proceeds from furbearers confiscated or acquired by the department of fish and game. Ought to Pass.

It was felt by the Committee that the proceeds from seized and road-kill fur should go to the trapping education program. This would be a matching fund

with the Pittman—Robertson Act. Vote 14-0. Rep. Charles H. Felch, Sr. for Fish and Game.

HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor. Ought to Pass with Amendment.

The policy of the state is to encourage more home health care to keep elderly from being placed in nursing homes. The Committee felt that these agencies should be licensed in order to provide some protection to this most vulnerable population. Vote 21-0. Rep. Marion L. Copenhaver for Health and Human Services.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Definition; Prohibited Use in Corporate Name. Amend RSA 151 by inserting after section 151:2-a the following new sections:

151:2-b Home Health Care Provider.

I. "Home health care provider"

means any organization, business entity, or subdivision thereof, whether public or private, whether operated for profit or not, which is engaged in arranging or providing, directly or through contract arrangement, one or more of the following: nursing services, home health aide services, or other therapeutic and related services which may include, but shall not be limited to, physical and occupational therapy, speech pathology, nutritional services, medical social services, personal care services, and homemaker services, which may be of a preventive, therapeutic, rehabilitative, health guidance or supportive nature to persons in their places of residence.

II. Home health care providers which provide only homemaker services and no other health care services as listed in paragraph I of this section shall be issued a license limiting their services to homemaker services.

III. "Home health care provider"

does not include any organization or agency providing only services pursuant to the provisions of Title III(c) of the Older Americans Act, operating only a nutrition program under a federal social services block grant, or under the auspices of a private charity; or volunteer hospices that do not provide, directly or through contract arrangements, home health care services as defined in RSA 151:2-b, I.

151:2-c Prohibited Use in Corporate Name, Trade Name, or Service Mark.

I. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign corporation or a foreign partnership which includes the words "home health care," "home care," or "visiting nurse" or any modification or derivative thereof in its corporate or business name or which includes the practice of providing home health care or visiting nurse services among the objects for which it is established unless the division of

public health services, department of health and human services, shall have issued, with respect to such applicant, a license pursuant to the provisions of this chapter or a letter certifying that the applicant has made application with the division for licensing under this chapter. A copy of either the license or the letter shall be presented to the secretary of state.

II. The secretary of state shall decline to register any trade name or service mark for a partnership, sole proprietorship, or association which includes the words "home health care," "home care," or "visiting nurse" or modifications or derivatives thereof in the firm or business name unless the division of public health services, department of health and human services, shall have issued, with respect to such partnership, sole proprietorship, or association, a license pursuant to the provisions of this chapter or a letter certifying that such partnership, sole proprietorship, or association has made application with the division for licensing under this chapter. A copy of either the license or the letter shall be presented to the secretary of the state.

III. No person who currently uses the words "home health care," "home care," or "visiting nurse" in his firm or business name may advertise or cause to be published an advertisement soliciting or offering that he is a home health care provider as defined in RSA 151:2-b, I unless he obtains the requisite license required under this chapter.

Amend the bill by renumbering sections 4, 5, 6, 7, and 8 to read as 3, 4, 5, 6, and 7 respectively.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Effective Date. This act shall take effect 180 days after its passage.

Referred to Appropriations.

HB 220, relative to driving while intoxicated. Inexpedient to Legislate. The issue that this bill deals with has been addressed by the Committee in HB 358. Vote 13-0. Rep. Maureen E. Raiche for Judiciary.

HB 358, relative to driver's license revocations under the implied consent law. Ought to Pass.

This bill clarifies the intent of the last legislature to provide for enhanced penalties if a person has a prior refusal of consent under the DWI Implied Consent Law. Vote 13-0. Rep. Maureen E. Raiche for Judiciary.

HB 235, authorizing the town of Rollinsford to establish a hydroelectric reserve fund. Ought to Pass with Amendment. This bill, with amendment, will allow any town or city to establish a hydroelectric fund. Vote 19-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing any town or city to establish a hydroelectric fund.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Town or City Hydroelectric Funds Authorized. Amend RSA 362-A by inserting after section 6 the following new section: 362-A:7 Hydroelectric Fund Authorized. Any town or city may establish a hydroelectric fund to hold a portion of the revenue received from its hydroelectric plant. The hydroelectric fund may be established by a majority vote at an annual or special town meeting or majority vote of the city council. If established, the town or city treasurer shall have custody of the hydroelectric fund, and shall pay out the same upon orders of the selectmen or city council, after the specified sum to be withdrawn has been authorized by a majority vote at an annual or special town meeting or majority vote of the city council. Money from this fund may be used for any purpose for which the town or city may appropriate money.

HB 243, relative to county purchasing regulations. Ought to Pass.

Present law provides that the county commissioners may repair, enlarge or erect county buildings at a cost exceeding \$1,000 when they are authorized to do so by the County Convention. This bill changes that dollar figure to \$5,000. The bill also provides that bids in an amount exceeding \$5,000 which require competitive bidding in Hillsborough County must be subject to review by the Executive Committee. Vote 18-0. Rep. Lawrence Cronin for Municipal and County Government.

HB 320-FN, increasing the amount of interest paid on property tax abatements. Inexpedient to Legislate.

The Committee was of the opinion the proposed bill would result in added costs to municipalities. Vote 13-5. Rep. George M. West for Municipal and County Government.

HB 335, relative to procedures for charter revision or adoption. Ought to Pass. Although this bill would require a slight additional effort in the charter process, the Committee feels it is desirable in the interests of informing the voters of the substance of a charter revision. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 336, allowing manufactured housing to be located in any residential area in a municipality. Refer for Interim Study.

Due to the complexity of this issue, further time is needed to attempt to come up with legislation which would provide an acceptable solution to this problem. Vote 19-0. Rep. Lawrence Cronin for Municipal and County Government.

HB 350-FN, providing that property tax exemptions for the elderly be indexed to reflect increases or decreases in the cost of living. Inexpedient to Legislate. The Committee felt this bill had several flaws and would add an administrative burden for all towns and cities. Vote 18-0. Rep. George M. West for Municipal and County Government.

HB 389-FN, relative to village water districts. Inexpedient to Legislate. This bill, if passed, would create a method of collecting water taxes which is in violation of statutes now in effect as pertaining to incompatibility of town offices. It would also create additional paper work for town officials. Vote 19-0. Rep. David M. Perry for Municipal and County Government.

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor. Ought to Pass with Amendment.

This legislation establishes a broad based committee of veterans, to be known as the "State veterans needs committee;" this Committee to recommend programs which may be beneficial to veterans, their dependents and survivors, subject to final approval by the legislative Fiscal Committee. The funds for such programs are equal to 1/2 of the rooms and meals tax collections from non-profit organizations. Funds not used are lapsed into the general fund at the end of each fiscal year. Vote 13-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Amendment

Amend RSA 115-A:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

115-A:1 Purpose. To provide continuing financial aid to address the needs of the veterans and their dependents or survivors in the state and to continue, when required, bonuses previously paid from the Vietnam veterans' bonus fund, the general court deems it in the best interest of the state to establish a permanent funding program for these causes.

Amend RSA 115-A:2, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. "Adjutant general" means the adjutant general of New Hampshire as defined in RSA 110-B.

Amend RSA 115-A:2, VI, VII, VIII and IX as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

VI. "State veterans' needs committee" means a committee consisting of the following representatives of these veterans' organizations: one each from the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Veterans of World War I of the USA, Inc., Military Order of the Purple Heart, New Hampshire Chapter of American Ex-POW's, and Vietnam Veterans of America, and 2 New Hampshire female veterans to be selected by majority vote of the other members of the committee, with the advice of the presidents of the auxiliaries of these organizations.

VII. "Veterans' council" means the state veterans council established pursuant to RSA 115.

VIII. "Veterans' program" means any legitimate veterans' program which may, from time to time, be established in the state, as determined by the state veterans' needs committee and approved by the legislative fiscal committee.

Amend RSA 115-A:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

115-A:4 Roster. The adjutant general shall from time to time prepare a roster of the names of residents of the state who have qualified for bonus payments under RSA 115-A:3, and shall certify the same and prepare a manifest to authorize the state treasurer to make payment from the veterans' assistance account established by RSA 115-A:8.

Amend RSA 115-A:8, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The state treasurer shall establish a separate account to be known as the New Hampshire veterans' assistance account.

Amend RSA 115-A:8, IV and V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. At the close of each fiscal year, the legislative fiscal committee shall review the line item budgets submitted to it by the state veterans' needs committee for the veterans' programs current and succeeding year and may authorize payment from the New Hampshire veterans' assistance account in a sum sufficient to meet the requirements of a particular program, if judged to be reasonable by the legislative fiscal committee. For said purposes such sum is hereby appropriated. Any excess funds after all authorized payments have been made in any fiscal year shall be lapsed to the general fund.

V. The state veterans' needs committee shall determine the necessity of and may approve veterans' programs in the state of New Hampshire. Such approved

programs may be funded from the New Hampshire veterans' assistance account and administered by the state veterans' council. The administrator of the state veterans' needs committee may at any time recommend to the fiscal committee that a previously approved veterans' program be suspended for just cause.

Amend RSA 115-A as inserted by section 1 of the bill by inserting after section 8 the following new section:

115-A:9 State-Veterans Needs Committee. Each member of the state veterans' needs committee shall serve a 2 year term of office from the date of his appointment, and may be reappointed. The committee members shall choose a chairman and a secretary from their committee membership.

Referred to Appropriations.

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor. Ought to Pass. The Committee felt that the funds are provided in this bill. The money is held in the unemployment compensation trust fund account. Vote 23-0. Rep. Lorine Walter for Public Works.

Referred to Appropriations.

HB 314, to reclassify a certain highway in the town of Dunbarton. Ought to Pass. This bill reclassifies a class II highway in the town of Dunbarton to a class V highway. Vote 23-0. Rep. James V. Bibbo, Jr. for Public Works.

HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line. Ought to Pass. This work is urgently needed to rectify flooding problem in Northfield-Tilton on Winnepesaukee River due to present faulty bridge construction. Vote 20-2. Rep. Charles M. Nute for Public Works.

Referred to Appropriations.

HB 341, providing for an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor. Refer for Interim Study.

The Committee felt that this bill should be sent to study. Several people spoke against this bill in its present form, but stated that there was a problem. The Wilber Smith Study showed that over 4,000 cars a day could be funneled off route 101 if there were a free access to 95 for local traffic. The local chamber and the sponsor expressed a willingness to work with a subcommittee to find a solution to this problem. Vote 22-0. Rep. Beverly Hollingworth for Public Works.

HB 103-FN, relative to sunset review of the sweepstakes commission. Ought to Pass with Amendment.

This Sunset bill re-creates the Sweepstakes Commission and makes several technical changes in the existing Bingo and Sweepstakes statutes. The Committee will have another bill which will deal with other changes in the Sweepstakes and Bingo laws later in the session. Vote 13-0. Rep. James D. Phelps for Regulated Revenues.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Administrative and Rulemaking Provisions. Amend RSA 284:21-i (supp) as inserted by 1963, 52:1 as amended by striking out said section and inserting in place thereof the following:

284:21-i Administrative and Rulemaking Provisions.

I. The sweepstakes commission shall be empowered to employ such technical assistants and employees to carry out the provisions of this subdivision as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the personnel commission. No employee of the commission shall have any pecuniary or other interest in any supplier or agent to the commission, or in any supplier or lessor of bingo equipment or halls, or in any officer of a bingo licensee licensed under RSA 287-E, or in any licensee licensed under this chapter.

II. The sweepstakes commission shall adopt rules under RSA 541-A after public hearing relative to:

(a) holding and conducting drawings and sweepstakes races and the sale of tickets for such drawings and races;

(b) establishing and fixing the purses, not to exceed an aggregate sum of \$200,000 for a single calendar year, to be awarded horses, or dogs, or both in sweepstakes races;

(c) establishing
(1) the price for which tickets for drawings and sweepstakes races shall be sold; not to exceed \$3 per ticket;
(2) the method by which tickets sold for drawings and sweepstakes races shall be determined to be winning tickets; and

(3) the money or prizes to be awarded holders of winning tickets.

III. In establishing the money or prizes to be awarded the holders of winning tickets and the purses for the horses or dogs or both, the sweepstakes commission shall be governed by the primary purpose of the sweepstakes, to raise revenue for the benefit of public education. They shall conduct such studies and make such investigation, either directly or through their agents, as will apprise them of prizes and money awarded to the holders of winning tickets in similar drawings wherever held. They shall consider the size of purses for the horses or dogs or both as bearing on the question of gaining public confidence in the sweepstakes races. They shall fix the prizes and amounts of money to be awarded

winners as well as the purses for the horses or dogs or both in such manner as will yield the largest net revenue for the benefit of public education, bearing in mind the expenses to be incurred, and all other factors which tend to influence net revenue.

IV. The commission shall adopt a uniform set of rules under RSA 541-A and after public hearing applicable to all instant sweeps games, including, but not limited to, how prizes are claimed and how tickets are validated. The commission may establish the following requirements without adopting rules under RSA 541-A, provided such requirements are printed clearly on the tickets issued by the commission:

- (a) the name of the game;
- (b) the cost of the ticket;
- (c) the amount of instant

prizes;

(d) the method for determining winning tickets which is unique to that particular game.

4 Conflict of Interest. Amend RSA 284:21-a as inserted by 1963, 52:1 by striking out said section and inserting in place thereof the following:

284:21-a State Sweepstakes Commission. There shall be and hereby is created a state sweepstakes commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission, or in any supplier or lessor of bingo equipment or halls, or in any officer of a bingo licensee licensed under RSA 287-E, or in any licensee licensed under the provisions of this chapter.

5 Rulemaking; Bingo. Amend RSA 287-E:3, XII (supp) as inserted by 1983, 417:1 by striking out said paragraph and inserting in place thereof the following:

XII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and record-keeping to be implemented by licensed charitable organizations in addition to the requirements set forth in RSA 287-E:9.

XIII. Package games.

XIV. Other matters related to the proper administration of this chapter.

6 Rulemaking; Lucky 7. Amend RSA 287-E:18 by inserting after paragraph IV the following new paragraph:

V. Accountability control to ensure ticket sales integrity and record-keeping.

7 Agricultural Fairs. Amend RSA 287-E:10 by inserting after paragraph VIII the following new paragraph:

IX. All other provisions of RSA 287-E shall also apply to bingo games conducted at agricultural fairs.

8 Bond. Amend RSA 287-E:23, III (supp) as inserted by 1983, 417:1 by striking out in line one the amount "\$10,000" and inserting in place thereof the following (\$50,000) so that said paragraph as amended shall read as follows:

III. Each licensee shall post a bond in the amount of \$50,000 conditioned upon the licensee's compliance with the rules of the commission.

9 Effective Date. This act shall take effect upon its passage.

HB 132-FN, relative to sunset review of parks and recreation. Ought to Pass with Amendment.

This bill has been amended to emphasize preservation of resources, accessibility to the public and encouragement and support of tourism and related economic activity as purposes to be served by our parks. It stresses development planning, ongoing maintenance, efficient administration and high standards of operation, maintenance and service as duties of the park director. In addition, it calls for financial reporting procedures to reflect a complete financial picture and directs the Division of Parks to identify specific measures to improve efficient administration and maximize revenue in its enterprise activities. The amendment also directs the substitution of a policy of discounted fees, as opposed to free use, when complementary use is appropriate. The division will report back to the Legislature by August 15. Vote 19-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 State Park System. Amend RSA 216-A:1 as inserted by 1961, 263:1 by striking out said section and inserting in place thereof the following:

216-A:1 Intent. It is the intent of the general court that a comprehensive state park system shall be developed, operated, and maintained to achieve the following purposes in order of the following priority:

I. To protect and preserve unusual scenic, scientific, historical, recreational, and natural areas within the state.

II. To continually provide such additional park areas and facilities as may be necessary to meet the recreational needs of the citizens of all regions of the state.

III. To make these areas accessible to the public for recreational, education, scientific, and other uses consistent with their protection and preservation.

IV. To encourage and support tourism and related economic activity within the state.

4 Duties. Amend RSA 216-A:2 as inserted by 1961, 223:3 as amended by striking out said section and inserting in place thereof the following:

216-A:2 Duties, Director of Parks and Recreation. The director of the division of parks and recreation, under the supervision of the commissioner of resources and economic development, shall execute all matters related to the design, development, administration, operation, and maintenance of the state park system. These responsibilities shall include, but not be limited to:

I. The director shall continually assess the state's recreational needs and formulate a state park development plan which addresses those needs, and shall supervise the implementation of that plan.

II. The director shall implement a maintenance program for state parks and recreational areas to ensure that the natural, historical, and recreational value of these areas is preserved and the state's investment in such facilities is protected.

III. The director shall develop and implement operating procedures for the state park system designed to ensure its efficient administration and high standards of operation, maintenance, and service within the purposes established in RSA 216-A:1.

IV. The director shall cooperate with the director of the division of forests and lands on matters pertaining to the joint recreational and forestry use of state lands, with other state and federal agencies in the development of parkways and scenic routes, in the development of wayside picnic areas, in the promotion of hunting and fishing on public recreational areas, and in the promotion of better understanding of the recreational advantages of the state.

V. The director may also:

(a) recommend for state acquisition lands or the use of lands for recreational purposes and for the protection and preservation of areas of unusual scenic, scientific, historic, or other value;

(b) enter into cooperation with departments of the federal government and other public and private agencies for the development or promotion of recreational facilities or services for public use within the state.

5 Department. Amend RSA 216-A:3 as inserted by 1961, 223:3 as amended by striking out said section and inserting in place thereof the following:

216-A:3 Department of Resources and Economic Development; Authority. With the approval of the governor and council, the department shall have the following authority:

I. Acquire, by purchase or gift, real property with recreational or historic value.

II. Dispose of real property, by sale or exchange.

III. Enter into agreements with other state agencies, the federal government, or municipalities regarding the acquisition, development, or operation of recreational areas or facilities.

IV. Apply for and receive, with the approval of the governor and council, grants, donations, and other assistance to assist in the development and operation of the park system.

6 Plan. Amend RSA 216-A by inserting after section 3-b the following new sections: 216-A:3-c Development Plan.

I. The director of parks and recreation shall by January 1, 1987, publish a written comprehensive 6 year development plan for the state park system. The director shall submit copies of the plan to the governor, council, and presiding officers of the general court.

II. The director shall continually review this plan and revise it as necessary.

III. The development plan shall include:

(a) an analysis of the recreational needs of each geographic region of the state and the degree to which existing park facilities address those needs;

(b) an assessment of the strengths and weaknesses of the state park system;

(c) establish specific goals and objectives for the park system;

(d) report on progress in meeting goals and objectives during the previous 2 years;

(e) identification of areas in which there is a need for physical expansion of park properties;

(f) identification of park system properties which are surplus to the state's needs;

(g) a summary of the division's planned maintenance program for park facilities, including, but not limited to, measures to protect against undue environmental stress;

(h) proposed improvements to park facilities, including major renovations, repairs, additions, or new construction.

IV. The development plan shall serve as a basis for the division's capital and operating budget requests.

V. In developing the park system plan, the director shall consult with the director of the office of state planning. The office of state planning shall provide the director of parks and recreation with such information on the recreational needs of the state and other technical assistance as is necessary for the division to properly perform its responsibilities under this section.

216-A:3-d Maintenance of State Park System.

I. The director of parks and recreation and commissioner of resources and economic development shall develop operating procedures to ensure that the division and other departmental units and other agencies of state government effectively coordinate their efforts to provide for proper maintenance of park system properties and facilities.

II. The division shall establish an automated maintenance management information system. This system shall:

(a) maintain an inventory of division properties and facilities;

(b) provide a current statement of condition of such properties and facilities;

(c) serve as a mechanism for scheduling and tracking maintenance projects. 216-A:3-e Financial Reports.

I. The commissioner of resources and economic development, director of parks and recreation, and commissioner of administrative services shall develop a financial reporting system for the state park system which shall provide for:

(a) an accurate report of all revenue collected from park system operations, by source, including fees and income from the sale of goods and services;

(b) an accurate report of the direct operating costs of the division of parks and recreation and the facilities for which it is responsible;

(c) an accurate report of the debt service costs associated with park system facilities;

(d) an accurate report of such other costs, including the costs of administrative services provided to the park system by other elements of state government, related to park operations;

(e) an accurate report of the funds budgeted for maintenance of park areas and facilities and of the actual amount spent for such maintenance.

II. The financial report shall include detail on the operations of the state's ski areas of Franconia Notch and Mount Sunapee state parks. This element of the report shall:

(a) detail operating expenses and revenue associated with ski area operations;

(b) detail debt service and other capital expense costs associated with ski area operations;

(c) include a description of the assumptions made in defining costs and revenues related to ski area operations;

(d) identify the net profit or loss on ski area operations including all costs and revenues in any fiscal year;

(e) identify financial management and budgeting procedures to improve the profitability of ski operations.

III. The commissioner of resources and economic development shall submit the financial reports required by this section to the governor and council and the general court no later than January 1 of each calendar year and shall include data on financial operations during the previous fiscal year.

216-A:3-f Promotion of Park Facilities.

I. The director of parks and recreation in consultation with the director of economic development shall formulate an annual promotion program for state park facilities.

II. This program shall be coordinated with the state's general tourism promotion efforts.

III. Funding for park system promotion shall be appropriated to the division of parks and recreation and shall be expended with the assistance of the office of vacation travel of the division of economic development.

216-A:3-g Fees for Park System. The commissioner of resources and economic development, in consultation with the director of parks and recreation, shall adopt, by rule under RSA 541-A, fees for access to and use of the state park system. The fees adopted by the commissioner shall be consistent with the following criteria:

I. Fees for use of park areas shall be designed to recover a reasonable portion of the operating costs consistent with the purposes of the park system established in RSA 216-A:1. The general court does not intend that all park facilities be self supporting.

II. Fees for use of campgrounds and ski lifts shall be comparable with fees for use of similar privately owned facilities. The operation of all enterprise functions within the park system, including ski lifts, food service, retail facilities, campgrounds, and other concession activities, shall be a profitable as possible, within the purposes of the park system.

III. In addition to rules establishing fees for use of park areas and facilities, the commissioner shall also adopt rules establishing policies regarding free or reduced cost use of such areas. In establishing these policies the commissioner shall substitute, whenever reasonable, reduced cost or discounted fees for free use.

7 Rulemaking. Amend RSA 12-A:2-e, II(c) (supp) as inserted by 1983, 422:13 by striking out said subparagraph and inserting in place thereof the following:

(c) Fees for access to property, parking, lodging, use of facilities, or other services. The commissioner shall, by rule, establish policies regarding reduced cost or free use of property and facilities; provided, however, that reduced rate or discounted fees shall be substituted for free use whenever reasonable to do so.

8 Repeal. RSA 218:5-a, relative to duties of director of parks is hereby repealed.

9 Park System Operations. It is the intent of the general court that the enterprise and other operations of the state park system be operated in an efficient manner. It is also the intent of the general court that within the policies established under RSA 216-A:1, the enterprise functions of the park system be as profitable as possible.

10 Division Study. The division of parks and recreation shall conduct a study of the following aspects of park system operations:

I. The division shall review the methods used to provide food service and other retail services at park facilities. This review shall include:

(a) an analysis of the feasibility, costs and benefits of expanding direct state operation of such services at park facilities;

(b) an analysis of potential improvements in the use of concessionaires to operate such facilities and methods of

increasing the division's capability to monitor the activities of such private operators.

II. The division shall review the procedures and policies associated with operation and management of the state ski area facilities at Franconia Notch state park and Mount Sunapee state park. This review shall include an analysis of the potential to increase the profitability of such areas through changes in:

(a) budgeting, accounting and financial management procedures, including the establishment of an enterprise fund for these areas;

(b) the procedures used to select and compensate employees;

(c) the procedures used to purchase supplies and equipment;

(d) the operating structure of these areas to include increased use of concessionaires in area operations;

(e) other operating procedures.

III. The division shall submit by August 15, 1985, a comprehensive written report on the results of the study required by this section to the general court and governor. This report shall include specific proposals and recommendations for changes in statutes, administrative rules, and operating policies to improve the profitability of enterprise functions within the parks system. The division shall also list and describe all internal management improvements made in ski area operations since the effective date of this act. The division's proposals shall include an estimate of the increased revenue projected to be associated with the recommended changes.

11 Effective Date. This act shall take effect upon its passage.

HB 135-FN, relative to sunset review of forestry and land resources. Ought to Pass with Amendment.

The Committee finds the Division of Forest and Lands to be a well-managed agency which has provided clear direction to the development and implementation of its program. Therefore, the Committee supports the re-creation of the Division of Forests and Lands, with amendment. Vote 20-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Duties of Director of Forest and Lands. Amend RSA 218:5, I(e) (supp) as inserted by 1977, 384:1 by striking out said subparagraph and inserting in place thereof the following:

(e) coordinate forest pest control efforts with the commissioner of agriculture and the state entomologist. The director and commissioner of agriculture shall establish and publish an annual work plan outlining these efforts and specifying the responsibilities of each agency;

(f) be responsible for the forest management of all state owned woodlands except those areas managed for special purposes. The director shall consult with the directors of all agencies responsible for such areas in regard to forest management; and

(g) carry out such other duties relating to forests and lands as may be delegated by the commissioner of the department of resources and economic development lying within the jurisdiction of the department.

4 Duties. Amend RSA 218:5 by inserting after paragraph III the following new paragraph:

IV. The director of forests and lands, or his agents, may issue cease and desist orders to temporarily suspend logging or other operations in forest areas when he determines that such actions have resulted in, or are likely to result in, pollution of surface or ground water. In such instances, the director shall immediately notify the water supply and pollution control commission, which shall investigate at once the cease and desist order issued by the director shall remain in force until such time as the water supply and pollution control commission determines whether the action in question constitutes a threat to water supplies.

5 State Entomologist. Amend RSA 437:2 by striking out said section and inserting in place thereof the following:

437:2 Suppression of Pests. The commissioner and the state entomologist may undertake the suppression or control of any insect pest or plant disease which, in their judgment, seriously threatens the state or any part thereof and for that purpose may adopt rules under RSA 541-A and may employ such measures as, in their judgment, may be reasonable and proper. The commissioner and the state entomologist shall coordinate their forest pest control efforts with the director of forests and lands. The commissioner and director shall establish and publish an annual work plan that outlines the responsibilities of each agency in the area of forest pest control and report the results back to the appropriate committees. For the purposes of this chapter, it shall be lawful for the commissioner, the state entomologist, or any agent or assistant appointed under the provisions of this chapter, to enter upon any lands in this state.

6 Wood Processing. Amend RSA 224-A:1-4 (supp) as inserted by 1977, 288:1 by striking out said sections and inserting in place thereof the following:

224-A:1 Policy and Purpose. It is hereby recognized and declared to be in the public interest to encourage and promote the prudent harvesting and processing of wood and timber in this state. It is further recognized that the protection and proper development of the state's forest resources require general information about primary wood processing mills, their utilization of wood and timber, and output of forest products. It is, therefore, the policy of this state to require the annual registration of primary wood processing mills, whether portable or permanent, for

the purpose of providing information as to location, owner, type of mill, operating capacity, species and volumes of wood and timber being processed, and output of wood and timber products; to assure the safety of woodlands from fire in relation to the location and operation of such mills; and to obtain such other information and adopt such rules as may be necessary to carry out the purposes of this chapter.

224-A:2 Definitions. In this chapter:

I. "Department" means the department of resources and economic development.

II. "Director" means the director of the division of forests and lands in the department of resources and economic development.

III. "Primary wood processing mill" means any permanent or portable mill, wherever located, sawing or otherwise processing logs, bolts, or other primary forest products.

IV. "Primary forest product" means any portion of a tree, after felling, which will be processed into a secondary forest product, or will be utilized in its primary form.

224-A:3 Mill Registration.

I. No person shall operate or cause to be operated any mill processing primary forest products unless said mill shall be registered by the director.

II. There shall be an annual mill registration fee of \$20 for all mills processing primary forest products, regardless of size, type of mill, or primary product being processed.

III. Application for registration shall be made on forms provided by the director, giving the name of owner or owners, locations, type and capacity of mill, products produced, and such other pertinent information as the director may require. One application shall cover a mill complex in a given location involving more than on unit of equipment.

IV. The director shall issue to the applicant a permanent registration number assigned to the mill described in the application together with a sign or plate denoting such registration number, to be displayed in a conspicuous place at the mill.

224-A:4 Inspection. The director, or his duly authorized agent, may, at any time, inspect any primary wood processing mill to assure compliance with the provisions of this chapter.

7 Rulemaking. Amend RSA 224-A:5 (supp) as inserted by 1977, 288:1 as amended by striking out said section and inserting in place thereof the following:

224-A:5 Rulemaking. The commissioner of the department of resources and economic development shall adopt rules, pursuant to RSA 541-A, relative to:

I. Registration of wood processing mills.

II. Permits to operate primary wood processing mills.

III. Mill site rules applying to mills using gasoline, diesel, and electric power.

IV. Mill site rules applying to steam mills and mills using an incinerator.

V. Fire protection at mill sites.

VI. Emergency rules during high forest fire danger periods.

VII. Any other rules that may be required under the provisions of this chapter.

8 Wood Processing. Amend RSA 224-A:6-7 (supp) as inserted by 1977, 288:1 by striking out said sections and inserting in place thereof the following:

224-A:6 Tabulation of Statistics. The director shall require each mill registered in a given year to submit, on or before January 31 of the following year, a tabulation by species and volume of primary forest products processed during the preceding calendar year on the basis of the International 1/4 Inch Rule, or its equivalent, or other commonly used basis of measure for products not measurable in board feet. The director shall annually publish a statewide tabulation of these statistics, in addition to other general information about primary wood processing mills derived from registration applications.

224-A:7 Penalty. Any person who violates any of the provisions of this chapter or rules adopted under RSA 541-A, shall for the first 30 day period, be guilty of a violation, if a natural person, or guilty of a misdemeanor if any other person. Each subsequent 30 day period or part thereof shall constitute a separate offense.

9 Repeal. RSA 224-A:8, relative to penalty, is hereby repealed.

10 Director; Duties; Report.

I. The director of forests and lands, under the supervision of the commissioner of the department of resources and economic development, shall undertake the following actions by January 1, 1986:

(a) prepare a law enforcement manual for division personnel;

(b) develop formal written criteria to govern department decisions regarding disposal of real property; and

(c) amend the forest and lands resource plan to link goals and objectives to measureable outcomes where possible.

II. The director shall, by January 1, 1986, submit a report to the appropriate committees of the house and senate detailing the progress made in implementing these requirements.

11 Effective Date. This act shall take effect upon its passage.

HB 147-FN, relative to sunset review of economic development. Ought to Pass with Amendment.

This bill, as amended, re-creates Economic Development PAU 030303. It defines the mission of Economic Development and requires comprehensive planning with legislative oversight. Vote 18-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 New Subdivision. Amend RSA 12-A by inserting after section 21 the following new subdivision:

Director of Economic Development
12-A:22 Director of Economic Development; Duties. The director of economic development, under the supervision of the commissioner of resources and economic development shall:

I. Establish and maintain a data base on matters related to the economy of the state and its economic development.

II. Plan, develop and administer programs to assist in the maintenance and expansion of existing industry and business in the state.

III. Plan, develop and administer programs to encourage and promote the development of new industry and business in the state.

IV. Plan, develop and administer a program of information and publicity designed to attract to the state tourists, visitors and other interested persons.

V. Provide information and assistance to local and regional officials on matters related to economic development and encourage the establishment of local development plans and programs.

VI. Research and analyze information on matters related to the economic development of the state to support and evaluate the effectiveness of promotional and assistance programs.

VII. Assist the commissioner in developing, publishing and maintaining an economic development plan for the state as required by RSA 12-F.

4 New Chapter. Amend RSA by inserting after chapter 9 the following new chapter:

CHAPTER 9-A STATE DEVELOPMENT PLAN

9-A:1 Comprehensive Plan.

I. There shall be a comprehensive state development plan which establishes state policy on development related issues and proposes new or expanded programs to implement such policies.

II. The comprehensive development plan shall establish executive policies in at least the following areas:

(a) housing;

(b) transportation;

(c) education;

(d) economic development;

(e) management and protection of natural resources;

(f) recreation;

(g) social services.

III. The comprehensive development plan shall serve as the basis for policy and program development by the various departments of state government. State agencies shall develop program plans which are consistent with the policies and priorities established in the comprehensive development plan.

9-A:2 Office of State Planning. The office of state planning, under the direction of the governor, shall:

I. Assist the governor in preparing, publishing, implementing, evaluating and revising the comprehensive development plan.

II. Develop and maintain a technical data base of information to support statewide policy development and planning.

III. Coordinate and monitor the planning efforts of various state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

9-A:3 Review of Plan.

I. The governor shall transmit his comprehensive development plan, establishing executive priorities as specified in RSA 9-A:1, to the general court by February 15 of each even numbered year.

II. The presiding officers of the general court shall arrange for introduction of the comprehensive development plan as a joint resolution and shall refer the plan to the appropriate standing committees of each house for review. The general court shall either endorse or otherwise comment upon the plan by joint resolution or other action.

9-A:4 Budget Documents. The governor's proposed budget, required under RSA 9:3, and the governor's proposed capital budget, required under RSA 9:3-a, shall reflect the priorities and policies established in the comprehensive development plan.

9-A:5 Cooperation of Agencies. All state agencies and departments shall provide the office of state planning with such information and assistance required by the office to fulfill its responsibilities under RSA 9-A:2. The office shall maintain the confidentiality of any information which is protected by law.

5 State Planning; Duties. Amend RSA 4:12-e as inserted by 1970, 53:1 by striking out said section and inserting in place thereof the following:

4:12-e Duties of the Office of State Planning; State Development Plan. The office of state planning, under the direction of the governor, shall:

I. Assist the governor in preparing, publishing, implementing, evaluating and revising the comprehensive development plan required under RSA 9-A.

II. Develop and maintain a technical data base of information to support statewide policy development and planning.

III. Coordinate and monitor the planning efforts of state agencies and departments to ensure that program plans published by such agencies are consistent with the policies and priorities established in the comprehensive development plan.

6 New Chapter. Amend RSA by inserting after chapter 12-E the following new chapter:

CHAPTER 12-F
STATE ECONOMIC DEVELOPMENT PLAN

12-F:1 State Economic Development Plan. There shall be a 6 year state economic development plan which shall establish state policies and programs designed to ensure the orderly economic growth of New Hampshire. This plan shall consist of 3 parts.

I. Part one of the plan shall be an analytic section which:

(a) clearly documents and explains the condition of the state's economy;

(b) identifies regional and national trends which influence, or are expected to influence, the state's economy;

(c) identifies statewide problems, issues or opportunities related to economic development;

(d) identifies and documents regional or community problems or opportunities which require state assistance to ensure healthy local economies;

(e) analyzes the effectiveness of existing state development policies;

(f) evaluates the performance of existing state development programs.

II. Part 2 of the plan shall consist of state policies to provide for the orderly economic development of the state. These shall include specific state economic development policies in the following areas:

(a) industrial and business promotion and assistance;

(b) recreational programs and tourism promotion;

(c) business regulation;

(d) the availability and use of public financing mechanisms to support industrial and commercial development;

(e) the collection, retention and analysis of data by state agencies on matters related to the state's economy.

III. Part 3 of the plan shall be an action plan for state economic development outlining specific programs to implement the policies contained in part 2. This section shall:

(a) establish goals and objectives for state economic development programs;

(b) assign specific responsibilities to the appropriate departments and agencies of state government;

(c) include proposals for implementation of new or expanded programs or modifications of existing programs;

(d) include recommendations for programs to be implemented in cooperation with local governments;

(e) establish performance measures for new or expanded programs;

(f) include a summary of the estimated costs and benefits associated with any new or expanded development programs.

12-F:2 Department of Resources and Economic Development.

I. The department of resources and economic development is hereby designated as the agency responsible for researching, formulating, publishing and continually reviewing, and when necessary revising, a 6 year economic development plan for state government which is consistent with the requirements of RSA 12-F:1.

II. The policies and programs included in the 6 year economic development plan prepared by the department of resources and economic development shall be consistent with the policies and priorities established in the state development plan required under RSA 9-A.

III. The department shall develop and maintain a technical data base to support state economic development and

planning. This data base shall include at least:

(a) a comprehensive list of the available sources of information on economic, industrial and business matters;

(b) an inventory of existing state and local economic development programs and the resources allocated to them. The department shall make use of existing data sources, especially those operated by the office of state planning, whenever possible.

IV. The department shall publish the first state economic development plan by January 1, 1988. The department shall continually review this plan and shall publish revisions by January 1 of each even numbered year.

12-F:3 Review of Plan.

I. The department of resources and economic development shall submit a proposed 6 year economic development plan to the governor for his review by October 1 of each even numbered year.

II. The governor shall transmit this plan to the general court by February 15 of each even numbered year.

III. The presiding officers shall arrange for introduction of the economic development plan as a joint resolution of the general court and shall refer the plan, and the policies and programs proposed in it, to the appropriate standing committees of each house for review. Policies and programs approved through joint resolution or other legislative action shall become the basis of economic development activities by the various departments and agencies of state government.

12-F:4 Consultation With Other Agencies.

I. In preparing the economic development plan the commissioner of resources and economic development shall consult with the chief executive officers of the various departments and agencies of state government with responsibilities which are relevant to economic development. These agencies shall include, but shall not be limited to, the following organizations or their successors:

- (a) Industrial development authority.
- (b) Department of agriculture.
- (c) Office of state planning.
- (d) Department of public works and highways.
- (e) Department of post-secondary vocational technical education.
- (f) Department of education.
- (g) Job partnership training council.
- (h) Department of employment security.
- (i) Housing finance authority.
- (j) New Hampshire municipal bond bank.
- (k) Treasury department.
- (l) Port authority.
- (m) Aeronautics commission.
- (n) All state agencies with natural resource or environmental protection and management responsibilities.

II. The commissioner shall also consult with officials of regional and local

planning and development agencies and representatives of business and industry.

III. All state agencies shall provide the commissioner with such information as is necessary to fulfill his responsibilities under this chapter. The commissioner shall maintain the confidentiality of any information which is protected by law.

7 Joint Promotional Program. Amend RSA 12-A:1-e (supp) as inserted by 1983, 422:20 by striking out same and inserting in place thereof the following:

12-A:1-e Joint Promotional Program. A joint promotional advertising program is hereby established to carry out the duties of the department of resources and economic development as set forth in RSA 12-A:1-c to publicize the advantages of the state of New Hampshire for tourism and to encourage continuous partnership with private industry in this promotion in order to maintain a viable and strong economic base in the state.

I. The department of resources and economic development shall administer a joint promotional advertising program in cooperation with a joint promotional program screening committee. The funds appropriated for this program shall be expended for grants for advertising programs entered into with independent groups or organizations which are designed to promote travel and tourism in the state of New Hampshire.

II. The screening committee shall consist of the director of the office of vacation travel of the division of economic development and 8 other members appointed as follows:

(a) one member appointed by the governor and council upon nomination by the commissioner of resources and economic development;

(b) seven members appointed by the governor and council upon nomination by the New Hampshire travel council. The members nominated by the travel council shall include at least one representative of each of the following: a chamber of commerce, regional association, ski area, attraction, campground and lodging;

(c) members, other than the director of the office of vacation travel, shall serve for a term of 3 years and until their successors are appointed and qualified.

III. The screening committee shall elect its own chairman. Members may designate an alternate with the approval of the chairman. A majority of the members of the committee or their alternates shall constitute a quorum.

IV. Members of the screening committee shall not be compensated, but the commissioner of resources and economic development may set aside up to one percent of the funds appropriated for the joint promotional program in any fiscal year to reimburse committee members for their direct expenses associated with the program. Direct expenses eligible for reimbursement shall be restricted to postage, printing and copying expenses incurred by members.

V. Funds appropriated to the joint promotional program shall only be made available to regional associations, state-wide tourist groups, chambers of commerce or other promotional organizations

as may be certified by the selection committee with the approval of the commissioner of the department of resources and economic development. Such grants shall only be given to those organizations which have been in existence for at least 3 years prior to the date of the grant application.

VI. Grant awards shall require 50 percent matching funds from private sources. Grants shall not be used for the administrative salaries or overhead expenses of any applicant selected for a grant.

VII. Grant applications shall be reviewed by the screening committee which shall recommend approval or disapproval of applications to the commissioner of resources and economic development. A recommendation for disapproval by the screening committee or the commissioner shall be in writing with the reasons for disapproval stated.

VIII. Funds appropriated for the joint promotional program for the first fiscal year of any biennium shall not lapse and shall be available for expenditure during the second fiscal year of the biennium. All funds which have not been expended by the end of the second fiscal year of a biennium shall lapse to the general fund.

IX. The commissioner of resources and economic development shall, with the advice of the selection committee, adopt rules under RSA 541-A, after public hearing, governing the joint promotional program. These rules shall include:

(a) a description of the joint promotional program, stating the general course and method of its operations and the methods by which the public may obtain information or make submissions or requests;

(b) the procedures and criteria used to certify groups or organizations eligible for matching grants;

(c) the application process, including the information required of applicants;

(d) the procedures and criteria used to evaluate grant applications;

(e) procedures for the administration of grants by recipients including reporting requirements.

8 Rulemaking. Amend RSA 12-A:2-c, I by inserting after subparagraph (c) the following new subparagraph:

(d) Procedures for administration of the joint promotional program established by RSA 12-A:1-e.

9 State Geologist. Amend RSA 12-A:4-a as inserted by 1967, 96:1 by striking out said section and inserting in place thereof the following:

12-A:4-a State Geologist; Office Established. The office of state geologist is hereby established within the division of forests and lands of the department of resources and economic development. The geologist shall be appointed by the commissioner of resources and economic development and shall be a member of the faculty of the department of geology of any accredited college or university situated in the state of New Hampshire.

10 Screening Committee; Initial Appointments. To provide for staggered

terms, initial members of the joint promotional program screening committee, established under RSA 12-A:1-e, shall be appointed as follows. The member nominated by the commissioner of resources and economic development shall be appointed to a full 3 year term. Of the members nominated by the New Hampshire travel council, 3 shall be appointed to 3 year terms, 2 shall be appointed to 2 year terms and 2 shall be appointed to one year terms. The governor shall determine which of the members shall be appointed to less than full terms.

11 Travel Promotion. The director of economic development shall undertake the following improvements regarding the division's travel promotion program:

I. Establish a research program designed to measure the effectiveness of the travel promotion program.

II. Establish a written marketing plan for the travel promotion program.

12 Industrial Development. The director of economic development shall undertake the following improvements in the operation of the division's industrial development program.

I. Establish a written marketing plan for industrial promotion efforts.

II. Establish a written set of goals and objectives for the industrial development program.

III. Establish performance measures for industrial development efforts and collect and maintain data, based on consistent definitions and reporting standards, on these measures.

IV. Develop internal operating procedures designed to ensure that industrial development efforts are concentrated on those areas of the state most in need of such assistance.

13 Report. The director of economic development shall, by January 1, 1987, submit a report to the governor and presiding officers of the general court detailing the progress made in implementing the improvements required by sections 11 and 12 of this act.

14 Effective Date. This act shall take effect upon its passage.

HB 213, relative to stream classification standards and enforcement. Inexpedient to Legislate.

The sense of the Committee was that the relaxing of the standards for pollution control was inappropriate.

The paramount concern for public health dictates that we be stringent in protecting the health of the public's water supply. Vote 19-1. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 369-FN, relative to maintaining the Old Man of the Mountain and making an appropriation therefor. Ought to Pass.

This bill directs the Commissioner of Administrative Services to establish a line item under PAU for Parks and Recreation in the Department of Resources and Economic Development for the biennium ending June 30, 1987, for the purpose of semi-annual inspections

and routine maintenance of the Old Man of the Mountain. Vote 21-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 439-FN, relative to the financing of regional planning commissions and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, funds regional planning commissions to a sum equal to fifty percent of the total assessment which the commission makes on its member municipalities and thereby restores the State's original commitment to fund regional planning agencies. Vote 21-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the state treasurer the sum of \$267,050 for the fiscal year ending June 30, 1986, and the sum of \$281,638 for the fiscal year ending June 30, 1987, for the purpose of section one of this act. These appropriations shall be expended by the regional planning commissions to further the purposes, powers, and duties of a commission as provided in RSA 36:45-53, and shall be in addition to and not in lieu of any other appropriations, funds, grants, gifts, and services to which the regional planning commissions are entitled under RSA 36:49. If the amount required to meet the obligation of the state as specified in section one of this act is greater than \$267,050 for 1986 and \$281,638 for 1987, the amount due to each regional planning commission shall be reduced in proportion to its overall share of the appropriated moneys. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HCR 3, to discourage billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances. Ought to Pass with Amendment.

This resolution, as amended, encourages the use of directional signs and the reduction of off-premise billboards. Also, the Office of State Planning is directed to assist municipalities to develop and implement local sign ordinances. Vote 18-1. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

A RESOLUTION

to encourage reduced billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances.

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, it is the intent of the legislature to encourage reduced billboard advertising wherever possible and to encourage the use of directional signs as a substitute for billboards; and

Whereas, it is the intent to have directional or informational signs not duplicate information on billboards; and

Whereas, the number and location of directional or informational signs are established by rules adopted by the commissioner of the department of public works and highways; and

Whereas, the use of generic signs shall be encouraged in those situations where such signs can reduce the number of, and serve as a reasonable substitute for, individual directional signs; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That all possible steps be taken to minimize off premises billboards, and duplicate informational signs; and

That the office of state planning shall encourage cities and towns to adopt sign ordinances by sending to the city councilors of each city and selectmen of each town, the chairman of the conservation commissions and the chairman of the planning boards, a copy of at least one model sign ordinance together with an explanation of the benefits which cities and towns experience from adopting sign ordinances; and

That the office of state planning shall recommend to the New Hampshire Municipal Association, the regional planning commissions, and the New Hampshire Association of Conservation Commissions that these organizations encourage and assist towns in the development and implementation of sign ordinances.

HCR 4, relative to the allocation of state public waters. Ought to Pass. The Committee believes that with the demands being placed on our surface and ground waters, especially in the southern part of the state, action is needed by the State in conserving, controlling and distributing surplus waters. Vote 21-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

SB 11, relative to the classification of the Nashua river. Ought to Pass.

Despite the fact that none of the sponsors appeared in favor of the bill, as amended in the Senate, the Committee felt the bill has merit. This bill upgrades certain sections of the Nashua river from class C to class B. Vote 18-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 491, permitting counties and the state to contract with private entities for the construction, operation, supervision and maintenance of correctional facilities and the youth development center. Inexpedient to Legislate.

The Committee voted 12-0 to not, at this time, attempt any major revision of existing legislation pertaining to correctional facilities. Preponderance of testimony received was in opposition, including county management representation. Rep. Robert L. Jones for State Institutions and Housing.

HB1 2007, relating to the youth development center. Refer for Interim Study. The Committee felt this bill of intent would serve as a vehicle for study of policy concerning future of buildings at the Youth Development Center. Vote 13-0. Rep. Barbara E. Arnold for State Institutions and Housing.

HB1 2009, relating to the Laconia state school. Refer for Interim Study. This bill of intent provides a vehicle for study of the future policy of the buildings at the Laconia State School. Vote 13-0. Rep. Norman R. Brough for State Institutions and Housing.

COMMITTEE REPORTS (Regular Calendar)

HB 299, relative to the duties of the division of children and youth services. Inexpedient to Legislate.

The Committee believes it should wait to act on this matter until a study now in progress is complete. The study is looking at present caseloads in the Division of Children and Youth, and should be complete by May 1. At that time more information on the needs of the Children and Youth Division will be available. Vote 15-2. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Resolution adopted.

HB 59, to prohibit blind bidding on motion pictures. Majority: OUGHT TO PASS. Minority: Inexpedient to Legislate.

MAJORITY: The Committee has voted 3 times in favor of this legislation. The most recent vote was 10 for and 9 against with two members excused who voted in favor of this bill on the Subcommittee. The Subcommittee voted 4-1 in favor of the bill. A survey showed that 46 out of the 59 theaters contacted voted 43 in favor and 3 opposed to this legislation. This bill terminates the practice of first run theaters being forced to bid on some movies without seeing them. Vote 10-9. Rep. Catherine G. Lamy for the Majority of Commerce, Small Business and Consumer Affairs. MINORITY: This legislation prohibits a long-standing business practice in the movie industry - it is known as "advance

bidding or licensing" (sometimes called blind bidding). This special interest legislation asks the State to intervene in a private business dispute, it serves no public interest and benefits only the larger theater chains. (Reps. C. Dana Christy, Eugene E. Pantzer, Elizabeth L. Crory, George F. Disnard, Toni Pappas, William A. Varkas, Eric N. Lindblade, William J. Sullivan and Edward J. Allgeyer for the Minority.)

Rep. Christy moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Harold Burns, Dickinson, Lamy, Daniell, Guay, Bonnie Packard, A. Leslie Burns and Sochalski spoke against the motion.

Reps. Varkas, Chambers, Lindblade and Crory spoke in favor of the motion.

Reps. G. Philip Rodgers and Diamant spoke against the motion and yielded to questions.

Reps. Russell Chase and Palumbo spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 135 NAYS 211
YEAS 135

BELKNAP: Bowler, Brough, Brown, Richard Campbell, Malcolm Harrington and Holbrook.

CARROLL: Russell Chase and Powers.

CHESHIRE: Delano, Irvin Gordon, Matson, Miller, Ramsay, Schwartz, Scranton and William Sullivan.

COOS: Chappell.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Driscoll, Duggan, Easton, Hutchings, Michael King, Rounds, Scanlan, Stewart and Taffe.

HILLSBOROUGH: August, Barry, Robert Blanchette, Lionel Boucher, Bourdon, Chagnon, Charron, Cox, Durant, Grip, Herod, Hogan, Chris Jacobson, Jasper, George Jones, Knight, Labombard, Lown, Messier, Morrisette, Pappas, Parmenter, Pellow, Perham, Prestipino, Frances Riley, Shriver, Leonard Smith, Mary Sullivan, Varkas, Geraldine Watson, Kenneth Wheeler, Frank Whittemore, Winn, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Bowes, Fraser, George Gordon, Hager, Hayes, Jelley, C. William Johnson, Millard, Pannell, Phelps, Linwood Rogers, Savaria, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Blanchard, Patti Blanchette, Burdick, Case, Conroy, Ellyson, Harry Flanders, Bert Ford, Thomas Gage, Elizabeth Greene, Haynes, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Joseph MacDonald,

Magoon, McCain, Palumbo, Pantelakos, Pevear, Raynowska, Sanderson, Schmidtchen, Sloan, Titone, Vaughn, Warburton and Welch.

STRAFFORD: Bates, Berkey, Bryant, Callahan, Frechette, O'Brien and Whiting.

SULLIVAN: Brodeur, D'Amante, Paul Johnson, Lindblade, McKee, Rodeschin, Schotanus and Sara Townsend.

NAYS 211

BELKNAP: Birch, Dexter, Hawkins, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Davis, Daniel Eaton, Frink, Grodin, Morse, Parker, Perry, Ridge, William Riley, Russell, Secord, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Densmore, Wayne King, LaMott, Mann, McAvoy, Howard Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Beaupre, Bernier, Blais, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cote, Cronin, Crotty, Ducharme, Duperron, Dupont, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Holden, Humphrey, Kelley, Lamy, Levesque, Lozeau, Martin, Howard Mason, McCue, McGlynn, Murphy, Newcombe, Nute, O'Rourke, Bonnie Packard, Paquette, Paradis, Pressly, Raiche, Reardon, Ellen Ann Robinson, Philip Rodgers, Salada, B. P. Smith, Steiner, Sylvia, Turgeon, Van Loan, Vanderlosk, Wagner, Harold Watson, Emma Wheeler and Lucille Wood.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Cailler, Connolly, Daniell, Gilbreth, Mary Holmes, Kidder, Lewis, Arthur Locke, Nichols, Rehlander, Doris Riley, Roberts, Walter Robinson and Shepard.

ROCKINGHAM: Bangs, Benton, Blaisdell, Butler, Marilyn Campbell, Lawrence Chase, Clay, Connors, Day, Emanuelson, Felch, Flanagan, Goss, Gourdeau, Hoar, Hollingworth, Joslyn, Roger King, Lovejoy, Mace, Robert Mason, McKinney, Benjamin Moore, Nagel, Newell, Newman, Parr, Norman Rogers, Rosencrantz, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Spaine, Stachowske, Sytek, Tufts, Wells and Woodward.

STRAFFORD: Appleby, Bernard, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Kincaid, Laurion, Lussier,

Meador, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Call, Disnard, Domini, Mehegan, Normandin and Spaulding, and the motion lost. Ordered to third reading.

HB 148-FN, relative to sunset review of industrial development authority. Ought to Pass with Amendment.

This bill renews, under Sunset, the Industrial Development Authority. The amendment establishes criteria for conflict of interest for the board of directors and adds the treasurer as a non-voting ex officio member. The amendment directs the Industrial Development Authority to establish rules under RSA 541-A to collect information to evaluate projects funded and their relationship to the state's economic development goals. The Industrial Development Authority will no longer acquire, manage, or maintain industrial parks. The Industrial Development Authority is directed to hold its meetings in a public, handicapped accessible building. The amendment establishes better investment and debt management through an informational clearing house located in the office of debt management. A bond allocation committee of seven members is established to allocate the tax-exempt private activity bonds limit pursuant to PL 98-369 Federal Deficit Reduction Act. Repeal of RSA 162-A:11 means the State Treasurer will no longer have to purchase the notes of the Industrial Development Authority. Vote 17-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Board of Directors. Amend RSA 162-A:4 as inserted by 1955, 254:4 as amended by striking out said section and inserting in place thereof the following: 162-A:4 Management.

I. The management of said corporation shall be vested in a board of 10 directors, who shall serve without compensation. The state treasurer shall serve as a nonvoting ex officio member of the board. The governor, with the consent of the council, shall appoint the other 9 members, one of whom shall be designated as chairman by the governor. Each appointed member shall hold office for 3 years, or until his successor shall have been appointed.

II. A director, officer, or employee of the industrial development authority shall not use his office for personal gain or act in a manner contrary to the public interest. A director shall abstain from voting on matters in which he has a substantial financial interest, whether personally or through a spouse or dependent. If in doubt, he may submit a

written request for advice to the chairman, who shall make a ruling as to whether he may vote on a matter.

4 Incorporation; Powers. Amend RSA 162-A:6 as inserted by 1955, 254:6 as amended by striking out said section and inserting in place thereof the following:

162-A:6 Incorporation; Powers. The industrial development authority shall be a corporation in the state of New Hampshire and shall have powers to:

I. Sue and be sued.

II. Have a seal and alter the same at pleasure.

III. Adopt and amend bylaws.

IV. Adopt rules under RSA 541-A and after public hearing relative to:

(a) a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) procedures to be followed by interested parties in applying for and receiving loans or loan guarantees;

(c) procedures to be followed by interested parties in applying for and receiving tax-exempt industrial development revenue bonds pursuant to RSA 162-I;

(d) all fees and charges;

(e) criteria used and procedures followed by the authority to approve tax-exempt bonds;

(f) the conflict of interest provisions of RSA 162-A:4, II;

(g) data which the authority shall collect and process to evaluate all projects for which bonds have been issued by the authority, with the purpose of accomplishing the state's economic development goals.

V. Develop, construct and reconstruct facilities, maintain and operate an industrial park or parks.

VI. Acquire, hold and dispose of personal property for its purposes.

VII. Acquire in the name of the authority by gift, purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary or desirable for its purposes.

VIII. Acquire in the name of the authority security by way of mortgage deed or otherwise any property title to which may be in any corporation or body other than the authority and upon which facilities may be developed or constructed as provided herein. Such security may be acquired by the authority solely in its own name or with private lending institutions. If the security is acquired with private lending institutions then the authority shall act in conformance to RSA 387.

IX. Sell or lease plots of land and to charge and collect fees for services made available within the industrial park or parks, subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided.

X. Make contracts with the state of New Hampshire or any agency thereof, towns or cities, public corporations or bodies, private corporations or individuals.

XI. Accept grants and the cooperation of the United States or any agency thereof in the development,

maintenance, operation and financing of industrial park or parks and to do any and all things necessary in order to avail itself of such aid and cooperation.

XII. Employ such assistants, agents and consultants as it shall deem necessary or desirable for its purposes.

XIII. Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligations or any part thereof by pledge or any part of the revenue of the industrial park or parks.

XIV. Develop as an industrial park real property owned by any local development corporation or foundation which has as its primary purpose the encouragement and development of industry.

XV. Develop performance indicators to measure the effectiveness of authority programs.

XVI. Do all other lawful things necessary and incidental to the foregoing powers.

All property of the authority shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall be a lien upon its property held pursuant to the provisions hereof.

5 No Powers to Manage Industrial Parks. Amend RSA 162-A by inserting after section 6-b the following new section:

162-A:6-c Management Authority Limited.

I. Notwithstanding the powers granted the authority pursuant to RSA 162-A:6, the authority shall not engage in the management, maintenance, and operation of industrial parks. The authority shall not acquire in the name of the authority title to an industrial park except as necessitated by foreclosure.

II. The provisions of paragraph I shall not apply to industrial parks acquired prior to the effective date of this section.

6 Meetings and Annual Reports. Amend RSA 162-A:15 as inserted by 1955, 254:15 by striking out said section and inserting in place thereof the following:

162-A:15 Meetings and Annual Reports. The authority shall hold its meetings in a public building which is accessible to the handicapped. The authority shall make an annual report to the legislature setting forth in detail the operations and transactions conducted by it pursuant to this chapter.

7 Investment and Debt Management. Amend RSA 6-B:3 (supp) as inserted by 1983, 419:5 by striking out said section and inserting in place thereof the following:

6-B:3 Notification of Proposed Bond Issues. I. Notwithstanding any other provisions of state law, for the purpose of coordinating state activity in the bond market, all state and local governmental entities authorized by law to issue bonds, including, but not limited to: all state agencies, the university system of New Hampshire, the New Hampshire municipal bond bank, the New Hampshire housing finance agency, all counties, cities, towns, village districts, school districts, precincts, housing authorities, local development corporations, and any special purpose

districts or authorities shall provide the office of investment and debt management with the notification of intent to borrow or issue bonds at the earliest possible date; provided, however, that such issuers shall, no later than 30 days prior to the sale of any debt issue at public or private sale, give written notice of the proposed sale to the office of investment and debt management, by mail, postage prepaid. Failure to give this notice shall not affect the validity of the sale.

II. The treasurer shall adopt rules pursuant to RSA 541-A concerning the information to be included in and the form of notifications required under paragraph I.

6-B:4 Informational Clearinghouse. The treasurer through the office of investment and debt management shall:

I. Collect, maintain, and provide information on state and local debt authorized, sold, and outstanding and serve as an information center for all state and local debt issues.

II. Upon request of any state or local government unit assist in the planning, preparation, marketing and sale of new debt issues to reduce costs and to ensure the protection of the issues and of the state's credit.

III. Maintain contact with state and municipal bond issuers, underwriters, credit rating agencies, investors, and others to improve the market for state and local government debt issues.

IV. Recommend changes in state law and local practices to improve the sale and servicing of state and local debt.

8 New Chapter. Amend RSA by inserting after RSA chapter 162-L the following new chapter:

CHAPTER 162-M PRIVATE ACTIVITY BOND ALLOCATION COMMITTEE

162-M:1 Definitions. As used in this chapter the following terms shall have the following meanings:

I. "Committee" means the private activity bond allocation committee established by RSA 162-M:2.

II. "Bonds" or "private activity bonds" has the meaning prescribed in section 103 of the United States Code.

162-M:2 Allocation Committee.

I. There is hereby established the private activity bond allocation committee for purposes of allocating the tax-exempt private activity bond limit for New Hampshire pursuant to P.L. 98-369, the Federal Deficit Reduction Act of 1984.

II. The committee shall consist of 7 members including the state treasurer who shall serve as chairman; the director of the office of state planning; the commissioner of the department of resources and economic development; the chairmen of the boards of the industrial development authority, higher educational and health facilities authority, and New Hampshire municipal bond bank; and the executive director of the New Hampshire Municipal Association.

162-M:3 Duties. The committee shall have all the powers to carry out the purposes and provisions of this chapter.

I. The committee shall adopt rules under RSA 541-A relative to:

(a) a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) methods and procedures to be followed by issuers in making reservations and further allocations.

II. The committee shall allocate the tax-exempt private activity bond limit for New Hampshire among the governmental units in the state having authority to issue bonds.

III. All allocations made pursuant to this chapter shall be made with a view to obtaining the maximum advantage possible under the limit and in a manner intended to achieve the most equitable distribution, but every allocation made in good faith by the committee shall be final and conclusive with respect to all other issuers and persons whatsoever.

IV. In allocating the limit among issuers the committee shall take into account:

(a) the intent of the federal law that the state's bond capacity be as fairly distributed among state and local users as is practicable;

(b) state economic development plans and policies;

(c) the projected needs of each issuer seeking an allocation; and

(d) the amount of bonds which each issuer has issued over the previous 3 year period.

V. The committee may leave unallocated a portion of the limit as a reserve for future allocation as circumstances may warrant.

VI. Whenever it appears that there may be insufficient limit capacity remaining to the committee in relation to the probable amount of bonds for which allocations are, or will probably be sought, the committee, for the purposes of dealing among competing issuers, shall take the following factors into consideration:

(a) state development plans and policies;

(b) probable beneficial effects on the environment;

(c) needs of existing businesses in state;

(d) significant contribution to local economic development efforts; and

(e) demand for student loans.

VII. Each issuer of bonds in the state may carry forward any part or parts of the limit allocated to it from one year to the next consistent with federal law, unless the committee directs otherwise.

162-M:4 Report Required. The committee shall submit a report annually, on or before January 1, to the standing committees of the house and senate having cognizance of tax-exempt activity. Said report shall include, but shall not be limited to, the following:

I. A statement as to the degree to which the state has complied with federal laws and requests in this area.

II. A summary of committee activities and decisions over the previous 12 month period.

III. A statistical summary showing trends in:

(a) demand or requests for allocations, both in number and dollar amount;

(b) allocations made; and

(c) allocations unused or

lost.

9 Repeal. RSA 162-A:11, relative to the issuance of notes and purchase by the state treasurer, is hereby repealed.

10 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 198, relative to school building aid for the Conway school district. Refer for Interim Study.

Since there was confusion over the possibility of illegality in the solution proposed to problems in this bill, it was determined to recommend Interim Study. Vote 13-1. Rep. William A. Riley for Education.

Referred for Interim Study.

HB 108-FN, relative to sunset review of personnel department, administrative support division. Ought to Pass with Amendment.

This sunset legislation, as amended, changes the Personnel Department from a mostly record-keeping agency to a modern up-to-date department for the management and improvement of the work force. It creates a statewide performance evaluation rating system where none exists at present. It clearly spells out the functions and responsibilities of a new office of equal employment opportunity, which is now lacking. It provides a statewide training coordinator, where none presently exists. It eliminates the present Personnel Commission (with the concurrence of all present Commission members) and replaces the Commission with an Appeals Board. It creates a task force to oversee the revision of the classification system which will be conducted by a consultant and to further investigate other areas in need of improvement. Vote 20-0. Rep. Harold W. Watson for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amend RSA 21-I by inserting after section 14 the following new subdivisions:
Personnel

21-I:15 Division of Personnel. There is hereby established within the department of administrative services, the division of personnel, under the supervision of an unclassified director of personnel appointed under RSA 21-I:2, who shall be responsible

for the following functions in accordance with applicable laws:

I. Managing a centralized personnel operation which shall provide for the recruitment, appointment, compensation, promotion, transfer, layoff, removal and discipline of state employees.

II. Preparing, maintaining and periodically revising a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same classification. Any new position classification plan shall be based upon the recommendations of the personnel system task force and shall not be considered a rule subject to RSA 541-A. The plan shall be prepared with due consideration for:

(a) The availability of personnel capable of filling the requirements of any position; and

(b) Any requirement for an employee to live on the premises of the place of employment as a condition of employment.

III. Allocating the position of every employee in the classified service to one of the classifications in the classification plan.

IV. Conducting periodic investigations of the administration of personnel in the state service. These reviews shall be conducted with the approval of the commissioner of administrative services and with the cooperation of the head of the department in question. These investigations shall include analysis of:

(a) Turnover rates within agencies and among specific groups or classes of employees.

(b) Supervisory ratios within agencies.

(c) The use of sick and annual leave by state employees.

(d) Agency implementation of the performance evaluation system required by paragraph XIII of this section.

(e) Agency practices regarding discipline of state employees.

(f) Other agency policies and procedures relative to the management of classified personnel.

V. Reviewing and making recommendations to the commissioner of administrative services regarding the operation of and proposed changes in compensation plan provided for in RSA 99.

VI. Developing a program for the recruitment, selection, and placement of qualified applicants in the state service.

VII. Preparing an annual report detailing the work of the division. This report, which shall include a narrative summary of the findings of division investigations conducted under RSA 21-I:15, IV, shall be submitted to the governor and the commissioner of administrative services.

VIII. Overseeing administration of all employee benefit programs other than those related to the New Hampshire retirement system.

IX. Providing reasonable clerical support requested by the personnel appeals board established by RSA 21-I:18.

X. Advising the commissioner, and, upon request, the governor and the executive council, regarding personnel administration.

XI. Administering those provisions of RSA title VI affecting classified state employees which require administrative action by a central personnel organization.

XII. Providing technical assistance to the administrators of state departments on matters related to personnel administration and the adoption and use of modern and effective personnel management techniques throughout state government. This shall include training of and assistance to agency managers in:

(a) Recruitment and selection of personnel.

(b) The development and implementation of training programs.

(c) The development of nonmonetary incentive or award systems.

(d) Evaluation of employee performance.

(e) Supervision and discipline of employees.

XIII. Developing and implementing, in accordance with the recommendations of the personnel system task force, a performance evaluation system for all classified employees. The evaluation system shall include the following elements:

(a) All full time classified employees shall be evaluated on a regular basis.

(b) Evaluations shall be in writing and shall be conducted at least annually.

(c) Evaluations shall be conducted by an employee's immediate supervisor.

(d) Evaluations shall be based upon specific written performance expectations or criteria developed for the position in question and employees shall be made aware of these performance expectations in advance of any evaluation.

(e) The evaluation format shall include a narrative summary on the employee's performance.

(f) Employees shall be permitted to participate in the evaluation process, shall be given a copy of their evaluation, and shall have an opportunity to comment, in writing, on their evaluation, and such comments will be included in the employee's permanent record.

(g) Employees shall have a right to nonconcur, in writing, with their evaluation.

(h) Employees shall certify, in writing, that they have reviewed their evaluation.

(i) Evaluation reports shall be reviewed by the supervisor of the official completing the evaluation who shall concur or nonconcur in writing with each evaluation report. The division may authorize agencies to develop supplemental evaluation systems for specific groups of employees.

XIV. Developing and implementing a training information management system to collect and record data on agency training

efforts. All state agencies shall notify the division of personnel of planned training programs for classified employees. The division shall make this information available to all state agencies on a regular basis to encourage efficient use of training programs.

XV. Publishing and distributing to all state agencies a comprehensive procedures manual outlining all division procedures which affect such agencies and describing the agency's responsibilities in each case. This document shall be revised regularly and all state agencies shall be notified of any changes in division procedures or policies.

XVI. Developing and implementing an equal employment opportunity program that will ensure the employment of all qualified people regardless of age, sex, race, color, ethnic background, marital status, or physical or mental handicap. This program shall include:

(a) A detailed and uniform method by which departments, agencies, boards, and commissions of the executive branch shall develop and implement equal employment opportunity goals.

(b) Reporting procedures for measuring progress and evaluating performance in achieving equal employment opportunity goals.

(c) Technical assistance and training for officials of all departments, agencies, boards, and commissions in achieving equal opportunity goals.

(d) The development and implementation of training programs to assist state employees, regardless of age, sex, race, color, marital status, ethnic background, or physical or mental handicap, to advance according to present and projected department needs and employee career goals.

(e) Development of a method for counseling employees with regard to training requirements needed to attain career goals.

(f) Review and revision of the job classification process and testing process to ensure that it is free from either conscious or inadvertent bias.

21-I:16 Rulemaking.

I. The provisions of RSA 21-G:9, II(b) shall not apply to the rules adopted pursuant to this section. It is the intent of the general court that the director of personnel shall have the sole authority to adopt and interpret, subject to the appeals process established under this chapter, the rules provided for in this section. The commissioner shall review all proposed rules of the director and may comment on them in writing.

II. The director of personnel shall adopt rules, pursuant to RSA 541-A, which shall apply to employees in the classified service of the state, relative to:

(a) Classification, except for the classification plan.

(b) Compensation and rates for employee maintenance reimbursement.

(c) Recruitment.

(d) Examination.

(e) Selection.

(f) Appointment.

- (g) Promotion.
- (h) Demotion.
- (i) Transfer.
- (j) Discipline.
- (k) Removal.
- (l) Layoff.
- (m) Attendance and leave.
- (n) Holidays.
- (o) Training.
- (p) Merit rating.
- (q) The information which

shall be required to be listed on the employee roster.

(r) Availability of division records for public inspection, including identification of those records or portions of records for which exemption under RSA 91-A:5 is claimed.

- (s) Evaluation.

(t) Designation of the employee's work place.

III. The director shall consult with a designee of each labor organization certified to represent classified state employees regarding all proposals to adopt, amend, or repeal rules prior to filing a notice of proposed rule under RSA 541-A:3-a.

21-I:17 Internal Organization. The division of personnel shall include the following internal organizational units:

I. The bureau of personnel, under the direction of a classified personnel administrator who shall be responsible for the following functions, in accordance with applicable law:

(a) Administering the personnel plans and programs developed by the director.

(b) Establishing and maintaining a roster of all employees in the state service, which shall include, for each employee: the class title of the position held; the salary or pay; a record of all changes in class title, pay, or status; and such other information as the director shall require pursuant to RSA 21-I:16, II(p).

(c) Developing competitive examinations for classifications in the state classified service, including classifications in the classified service in programs for which funds are provided in whole or in part by the federal government, as required by the federal standards for a merit system of personnel administration.

(d) Certifying eligible personnel according to sex when requested by the appointing authority.

(e) Providing advice and assistance to state agencies to improve personnel administration and employee effectiveness and to help develop programs in skills development, safety, efficient delivery of service to the public and related areas.

(f) Implementing a statewide performance evaluation system for state employees.

(g) Operating a training information system.

II. The bureau of benefits administration, under the direction of a classified benefits administrator who shall be responsible for the following functions, in accordance with applicable laws:

(a) Administering employee benefit programs.

(b) Conducting ongoing studies of alternative financing methods and benefit offerings.

(c) Administering the state employee group insurance program.

Personnel Appeals Board

21-I:18 Composition of Board; Compensation; Removal. There is hereby established a personnel appeals board as follows:

I. The board shall consist of 3 members, not more than 2 of whom shall be from the same political party. There shall also be 2 alternate members of the board, not more than one of whom shall be a member of the same political party. Each member and alternate shall be appointed by the governor with the consent of the council for a term of 3 years and a person appointed to fill a vacancy shall be appointed for the unexpired term. Each member of the board and alternate shall hold office until his successor is appointed and qualified. The governor shall designate one member as chairman of the board. The board shall elect one member to serve as vice chairman. No member of the board shall be a member of any state or national committee of a political party, nor an officer or member of a committee in any partisan political club or organization, nor shall hold, or be a candidate for, any remunerative elective public office during his term of office and shall not be otherwise employed in any of the agencies of the state government. One member shall be a member of the bar in this state.

II. Members of the board shall each be paid \$35 for each day devoted to the work of the board, but not more than \$1,500 each in any one year. They shall be reimbursed for necessary travel in connection with their official duties. The compensation of board members shall be reviewed annually.

III. Members of the board shall be removed only as provided in RSA 4:1.

21-I:19 Powers and Duties of Board.

I. The personnel appeals board shall hear and decide appeals as provided by RSA 21-I:30 and 21-I:31 and appeals of decisions arising out of application of the rules adopted by the director of personnel except those related to:

(a) Performance evaluations of classified employees; provided, however, that an employee who is disciplined or has other adverse action taken against him as the result of an evaluation may appeal that action.

(b) The refusal of an appointing authority to grant a leave of absence without pay.

(c) Classification decisions of the director of personnel when the reasons for appeal are based on any of the following:

(1) The personal qualifications of an employee exceed the minimum requirements for the position in question.

(2) The employee has held the position for a long period of time.

(3) Any positions previously held by the employee or any examinations passed by the employee which

are not required for the position in question.

(4) The employee has reached the maximum of the assigned salary grade.

(5) The cost of living or related economic factors.

II. The board shall meet as often as necessary to conduct its business, provided that no more than 30 days shall elapse between meetings whenever there is any appeal pending before the board. Two members of the board shall constitute a quorum.

III. In the event that a member of the board is unable, for any reason, to attend a meeting of the board, the chairman shall designate an alternate member to serve in his place. In the absence of the chairman, the vice chairman shall designate the alternate member to serve.

IV. The board shall have the power to subpoena witnesses, and administer oaths in any proceeding before it, and to compel the production of any books, papers or other memoranda or documents by subpoena duces tecum.

V. The board may advise the director with regard to all existing rules of the division. The director shall submit all proposals to adopt rules to the board for their advice prior to filing a notice of proposed rule under RSA 541-A:3-a.

VI. The board shall by September 1 of each year submit an annual report to the governor, commissioner of administrative services, and director of personnel. This report shall include a narrative summary of the work of the board during the previous fiscal year. The report shall also include a description of problems related to the personnel system and the board's recommendations for dealing with those problems.

VII. The board shall adopt rules under RSA 541-A regarding procedures for the conduct of its business.

VIII. The board may, with the approval of the governor and council, contract for legal services in any action in which the attorney general determines that he cannot provide such services to the board. The governor shall draw his warrant on funds not otherwise appropriated to cover the costs of such legal services.

21-I:20 Executive Secretary to Board.

I. The director of personnel shall assign, with the approval of the board, an employee of the division of personnel to serve as executive secretary to the board. Neither the director of personnel nor any bureau administrator within the division of personnel shall be appointed to this position.

II. The executive secretary shall perform such duties for the board as the board may assign.

Classified Employees

21-I:21 Approval of Governor or Council Not Required. Neither the governor nor council shall be required to approve the employment, or salary, of any employee within the state classified service except

as such approval may be specifically required by law.

21-I:22 Classified Service and Exemptions. The classified service to which the personnel provisions of this chapter shall apply shall comprise all positions in the state service now existing or hereafter established, except:

I. Those elected by popular vote or by the legislature.

II. Those appointed and commissioned by the governor or the governor and council.

III. The chief executive officer of each department and institution and independent agency.

IV. The deputy of any department head provided for by special statute.

V. Those officers whose salary is specified or provided by special statute.

VI. Personnel of the university system of New Hampshire.

21-I:23 Exception; Department of Employment Security. In the case of any employee of the department of employment security where the federal government has determined that the state classification system does not meet federal standards, as required by RSA 282-A:115, the provisions of the federal standards applicable to a merit system of personnel administration in state employment security agencies shall be controlling and the state classification system shall not be applicable in any such case insofar as inconsistent with the federal standards.

21-I:24 Applicant's Criminal Record. No applicant for state employment shall be required by the state to answer any question concerning whether the applicant has ever been arrested or indicted for a crime. This section shall not prohibit asking an applicant whether he has ever been convicted of a crime.

21-I:25 Prohibitions; Penalty.

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political opinions, religious beliefs or affiliations, age, sex, or race; provided, however, that nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which conflicts with his employment. Determination of such conflict shall be made by the director of personnel after consultation with the appointing authority.

II. If any person in state service shall willfully violate this section, his position of service with the state shall be declared vacant by the governor and council.

21-I:26 Cooperation of State Officers and Employees. All officers and employees of the state shall comply with and aid in carrying out the provisions of this chapter relative to the classified personnel system. Any employee in any department may be excused from his regular duties for the time required to assist in the preparation and rating of tests when designated by the director of personnel.

New Positions and Reclassification

21-I:27 New Positions and Reclassification of Positions. Notwithstanding any provision of law to the contrary, no new position in the classified service for employment of over one calendar year shall be established except upon approval of the governor and council. A request from a department head for additional personnel beyond those considered as line items in the budget as enacted as a budgetary amount, if said employment is for a period in excess of one calendar year, shall be considered a new position requiring the approval as specified in this section. In addition, a request made either to the division of personnel or the governor and council for the reclassification or reallocation of positions to a different class series shall be considered as a request for a new position and shall require the approval of the governor and council. The division of personnel shall submit to the general court on or before January 15 of each legislative year a list of all new positions created subsequent to the report made to the preceding session of the general court giving the reason for the action taken in each case and stating clearly the effect of such action upon the amounts for personnel services appropriated by the preceding general court.

21-I:28 Exception; Department of Public Works and Highways. Temporary employees of the department of public works and highways whose positions have been approved for continuance for a period of more than one year as provided in this chapter shall be classified as permanent employees if and after they shall have continuously occupied and carried out the duties of their respective positions for a period of 2 years.

21-I:29 Reclassification of Positions or Increases Beyond Grade 34. Any request for reclassification of position to a different class series as provided in RSA 21-I:27 or request to increase the salaries of a classified position beyond grade 34 as provided in RSA 99:8 shall require the approval of the fiscal committee of the general court before it is submitted to the governor and council for its approval.

21-I:30 Hearings and Appeals; Classification Decisions. The employee or the department head, or both, affected by the allocation of a position in a classification shall be given a reasonable opportunity to be heard by the director of personnel regarding the allocation, provided he shall first file a written request for

reconsideration with the director. Any employee or department head, or both, dissatisfied with the decision of the director shall have a right to appeal to the personnel appeals board.

21-I:31 Appeals.

I. Any permanent employee who is dismissed, demoted, or suspended, or otherwise affected by any action, except those exempted from appeal under RSA 21-I:19, I, may appeal the decision to the personnel appeals board within 15 calendar days after such dismissal, demotion, or suspension. Both the appealing employee and the appointing authority shall have the right to be heard publicly. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, age, sex, race, color, ethnic background, marital status, or handicapping condition, or was taken in violation of statute or of rules of the division of personnel, the employee shall be reinstated to his former position or a position of like seniority, status, and pay, without loss of pay for the period of his suspension. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such other order as it may deem just.

II. Any action or decision taken or made under this section shall be subject to rehearing and appeal as provided in RSA 541.

III. In the event of an appeal from a decision of the personnel appeals board in accordance with the provisions of RSA 541, the fee for the copy of the record and such testimony and exhibits as shall be transferred, and the fee for manifold copies shall be established by the governor and council and collected by the director of personnel from the party making the appeal. Any fees collected by the director of personnel under the provisions of this section shall be credited to the appropriation for the division of personnel. The appeals board shall not be required to certify the record upon any such appeal, nor shall the appeal be considered until the fees for the copies have been paid.

2 Personnel System Task Force.

I. The general court finds that the procedures and policies used to recruit, select, classify, compensate, retain, promote, evaluate, and discipline classified state employees are vital to the effective operation of state government. Therefore, the general court intends that the state personnel system be revised, modernized, and improved to ensure that it provides an effective and efficient structure for managing the state workforce. The general court recognizes that improvements in the personnel system will need to be phased in over a period of time.

II. There is hereby established a personnel system task force to carry out the intent of the general court as expressed in this act and in RSA 21-I:15 to develop a modern and effective classified personnel

system for state government. The task force, unless specifically extended by an act of the general court, shall terminate on January 1, 1987.

III.(a) The task force shall consist of 7 members as follows:

(1) one member of the senate executive departments committee appointed by the president of the senate;

(2) one member of the house committee on executive departments and administration appointed by the speaker of the house;

(3) the director of personnel;

(4) one classified employee who is a member of the State Employees Association appointed by the governor from a list of 5 nominees submitted by the association;

(5) one classified employee who is not a member of the State Employees Association appointed by the governor;

(6) two public members appointed by the governor who shall not hold elective or appointed office and shall not be state employees. The public members shall be experienced in personnel or human resource management.

(b) The task force shall elect a chairman from among its public members.

IV. Members of the task force shall not be compensated. However, legislative members may receive their regular reimbursement for expenses incurred in their participation, members who are state employees shall be released from their regular duties with pay to serve on the task force, and public members may receive reimbursement for any necessary and reasonable expenses incurred as a result of their participation.

V. The task force shall have the following responsibilities:

(a) Review the state's classified personnel system.

(b) Identify problems or weaknesses associated with the existing system.

(c) Where necessary, develop alternative policies and procedures to establish the state personnel system as a modern and effective mechanism for management of the state work force.

(d) Select, retain, and supervise a qualified consultant who shall, under the direction of the task force, develop a revised position classification plan and procedure for the classification of positions within the state classified service.

(e) Review and evaluate state procedures regarding designation of the work place of classified personnel.

(f) Review the need for and, if necessary, recommend a procedure for regular independent review of the rules adopted by the director of personnel.

VI. The task force shall prepare and submit a final written report on its efforts to the president of the senate, the speaker of the house, and the governor.

(a) The final report of the task force, including recommendations for

changes in the classified personnel system, shall be issued no later than January 1, 1986.

(b) The task force shall also issue an interim report on its efforts by September 1, 1985.

(c) The task force's final recommendations for the structure and implementation of the classification system shall be reviewed by the commissioner of administrative services and director of personnel who shall, within 60 days of receiving them, accept or reject each recommendation of the task force in writing and explain their reasons for any rejections.

(d) The task force report on the structure of the compensation plan shall be directed to the general court and shall include recommendations for amendments to the relevant statutes where necessary.

VII. The division of personnel shall provide clerical and professional assistance to the task force. In addition, the division shall provide the task force with such information regarding the classified personnel system as may be necessary to complete its mission. The task force shall maintain the confidentiality of any records classified as confidential under law. The task force may request additional assistance from any other state agency or element as it deems necessary.

VIII. In addition to the assistance received from state agencies the task force may contract for professional services as necessary within the limits of the funds available for such services.

IX. The heads of all agencies and institutions of state government shall cooperate with the task force and provide such information as the task force may require, except that the task force may not require the presentation of information which is protected by law from disclosure.

3 Evaluation of Unclassified Employees. Amend RSA 94 by inserting after section 9 the following new section:

94:10 Evaluation of Unclassified Employees.

1. The chief executive officer of each department of state government shall develop and implement a formal written performance evaluation system for all subordinate unclassified employees authorized for his agency.

II. The evaluation systems implemented under this section shall be at least consistent with the minimum standards for performance evaluation of classified employees established in RSA 21-1:15, XIII and in the rules of the division of personnel.

4 Transfers and Terminations.

I. The personnel commission and the department of personnel are hereby abolished and all of the functions, powers, duties, and responsibilities of those entities and the officials of those entities, except as otherwise provided by this act, are hereby transferred to and vested in the director of personnel appointed pursuant to this act.

II. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended

appropriations or other funds, actions and other property or obligations of any kind of the department of personnel.

5 Reference Changes; Changes in Authority.

I. As of the effective date of this act, all references to the "personnel commission" in the laws of the state shall be changed to read "director of personnel."

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house of representatives and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules, or legislation to the language of this act; provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

6 Additional Function. Amend RSA 21-I:1, II (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

II. The department of administrative services, through its officials, shall be responsible for managing and coordinating the following administrative and financial functions, upon which the effective and efficient management of all state programs and operations relies:

- (a) Budgeting.
- (b) Pre-auditing.
- (c) Accounting.
- (d) Financial reporting.
- (e) Data processing.
- (f) Graphic services.
- (g) Property and physical plant management.
- (h) Risk management.
- (i) General support services.
- (j) Personnel administration.

7 Transfer Provisions. The provisions of RSA 21-G:13, 21-G:14, 21-G:15, 21-G:16, 21-G:17, 21-G:18, 21-G:19, insofar as applicable, shall apply to the transfers required by this act.

8 Transition; Incumbent Director of Personnel. The director of personnel in office as of the effective date of this act shall become the first director of the division of personnel under RSA 21-I:2 and shall serve a 4 year term.

9 Transition; Incumbent Deputy Director of Personnel and Benefits Administrator.

I. The incumbent deputy director of personnel and the incumbent benefits administrator in office as of the effective date of this act shall be transferred to the division of personnel and shall become the first personnel administrator and benefits administrator respectively.

II. The incumbents may choose to remain unclassified employees, assigned to the unclassified pay grade to which they are assigned as of the effective date of this act, for a period of 4 years, after which time the positions of personnel administrator and benefits administrator shall be classified at an appropriate labor grade as determined by the director of personnel.

10 Transition; Personnel; Benefits.

The unclassified personnel transferred under section 8 and 9 of this act shall retain all retirement, sick leave, and annual leave credit to which they are entitled as of the effective date of this act.

11 Transition; Appeals Board.

I. The incumbent members of the personnel commission in office as of the effective date of this act shall become the first members of the personnel appeals board and shall complete their existing terms.

II. All appeals pending before the personnel commission as of the effective date of this act shall be transferred to the jurisdiction of the personnel appeals board. All appeals filed after the effective date of this act shall be directed to the appeals board.

III. The rules of the personnel commission relative to the filing and conduct of appeals in force as of the effective date of this act shall remain in force for a period of 180 days or until the personnel appeals board files rules for the conduct of its business as required by RSA 21-I:19, VII.

12 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out the following:

I. In Group M, benefits administrator.

II. In Group O, deputy director of personnel.

13 Sunset; Personnel Division. There is hereby created a PAU for the division of personnel, department of administrative services. The division shall terminate on the date specified for the department of administrative services in RSA 17-G, unless renewed by the general court.

14 Repeal. RSA 98, relative to state employees, is hereby repealed.

15 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Ordered to third reading.

HB 180, establishing a department of justice. Ought to Pass with Amendment. This bill establishes a State Department of Justice with two divisions, Public Protection and Legal Counsel. The department is to be headed by the Attorney General, whose appointment is specified by the Constitution. The amendment, which reflects the recommendations of the Sunset reports, removes all references to licensing and enforcement of liquor, sweepstakes, and pari-mutuel matters. Transferred into a Bureau of Consumer Protection is the Bureau of Weights and Measures from the Department of Agriculture. Vote 19-0. Rep. Ada L. Mace for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-I the following new chapter:

CHAPTER 21-J
DEPARTMENT OF JUSTICE

21-J:1 Findings; Intent. The general court finds that, despite the highly skilled work performed and the excellent reputation attained by the office of the attorney general over the years, there is a need for more opportunities for career advancement within the office. It further finds an ever-increasing need for greater emphasis on newer fields of endeavor such as consumer protection and environmental protection, in addition to a steadily rising demand on the office in the areas of criminal justice and assistance to other state departments. Further, the general court finds the attorney general is in great need of assistance in the administration of the functions of the office by the establishment of intermediate levels of supervision.

21-J:2 Establishment; General Functions.

I. There is established the department of justice, an agency of the state, under the executive direction of the attorney general.

II. The department of justice, through its officials, shall have all the powers and duties enumerated by statute and implied from the common law and shall be responsible for the following general functions:

(a) Advising and representing the state and its executive branch agencies in all civil legal matters.

(b) Supervising and conducting criminal investigations and prosecutions.

(c) Enforcing the various consumer protection and antitrust laws of the state.

(d) Assisting and advising those agencies charged with protecting the environment and enforcing the environmental laws of the state.

21-J:3 Attorney General; Deputy; Associates; Assistants.

I. The attorney general shall be appointed as provided by the constitution. He shall serve for a term of 4 years. He shall have been admitted to the practice of law in New Hampshire. He shall also be qualified by reason of education and experience.

II. The attorney general shall nominate the deputy attorney general for appointment by the governor, with the consent of the council. The deputy attorney general shall serve for a term to expire on March 31, 1987, and thereafter for a fixed term of 4 years. The deputy attorney general shall have been admitted to the practice of law in New Hampshire and be qualified by reason of education and experience.

III. The attorney general, subject to the approval of the governor and council, may appoint assistant attorneys general within the limits of the appropriation made for the appointments, each of whom shall hold office for a term of 5 years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney general may be removed only as provided by RSA 4:1.

IV. The attorney general may designate no more than 10 assistant attorneys general to serve as senior assistant attorneys general. Senior assistant attorneys general shall serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general.

V. The attorney general shall designate 2 assistant attorneys general to serve as associate attorneys general. Associate attorneys general shall serve as directors of the divisions of public protection and legal counsel and shall serve in that capacity at the pleasure of the attorney general.

VI. The attorney general may appoint a law office administrator for the office of attorney general, in accordance with state personnel rules and the appropriation made for the appointment. The law office administrator shall be a classified employee.

21-J:4 Compensation. The annual salary of the attorney general, the deputy attorney general, the associate attorneys general, the senior assistant attorneys general, and each assistant attorney general shall be that prescribed by RSA 94:1-a.

21-J:5 Duties of the Attorney General. In addition to the powers, duties and functions otherwise vested by law, including RSA 7, in the attorney general, he shall:

I. Represent the public interest in the administration of the department of justice and be responsible to the governor, the general court, and the public for such administration.

II. Exercise all of the powers and duties vested in commissioners by RSA 21-G.

III. Have the authority to establish a unit within his office to provide for internal department administrative functions, which functions shall include:

(a) Accounting, purchasing, and budget control procedures;

(b) Personnel management;

(c) Property, contracts, and grants management;

(d) Data processing and statistical analysis as provided for by RSA 7:40;

(e) Assisting the attorney general with short and long range department level planning activities.

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

V. Supervise the operations of the office of chief medical examiner established by RSA 611-A, which shall be a part of the office of the attorney general.

21-J:6 Division of Public Protection.

I. There is established within the department a division of public protection. The division shall be supervised by a division director who shall be an associate attorney general appointed under RSA 21-J:3.

II. The division shall include the following units:

(a) A bureau of criminal justice.

(b) A bureau of consumer protection and antitrust.

(c) A bureau of environmental protection.

21-J:7 Division of Legal Counsel.

I. There is established within the department a division of legal counsel. The division shall be supervised by an associate attorney general appointed under RSA 21-J:3.

II. The division of legal counsel shall consist of the following units:

(a) A bureau of civil law.

(b) A bureau of eminent domain.

III. The division shall also be responsible for administering the duties assigned to the attorney general regarding charitable trusts under RSA 7:19 through 32-a.

21-J:8 Criminal Justice Bureau. There is established within the division of public protection a criminal justice bureau. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-J:3 and who shall carry out the duties imposed by this section under the supervision of attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-J:3 and such additional investigative, clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the bureau.

II. The duties of the bureau shall include, but not be limited to, the following:

(a) Investigating and prosecuting major crimes as directed by the attorney general.

(b) Representing the state in all criminal appeals to the New Hampshire supreme court or federal courts.

(c) Investigating and prosecuting such other criminal matters as the attorney general shall determine.

(d) Investigating and prosecuting medicaid fraud as directed by the attorney general.

(e) Representing the state in all post-conviction insanity proceedings.

21-J:9 Consumer Protection and Antitrust Bureau.

I. There is established in the division of public protection a consumer protection and antitrust bureau. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-J:3 and who shall carry out the provisions of this section under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall also appoint an investigator and such other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations for the bureau.

II. The duties of the bureau shall include, but not be limited to, the following:

(a) Receiving, investigating, and attempting to resolve complaints by individual consumers of unfair or deceptive business practices.

(b) Bringing civil and criminal actions in the name of the state to redress unfair or deceptive trade or business practices.

(c) Administering and enforcing the provisions of RSA 339-B relative to sales of liquid fuels.

(d) Administering and enforcing the provisions of the land sales full disclosure act, RSA 356-A.

(e) Administering and enforcing the provisions of the condominium act, RSA 356-B.

(f) Administering the provisions of RSA 356-C, relative to protection of tenants in conversion of rental units.

(g) Administering and enforcing the provisions of RSA 357-C, relative to regulation of business practices between motor vehicle manufacturers, distributors and dealers.

(h) Administering and enforcing the provisions of RSA 358-A, relative to regulation of business practices for consumer protection.

(i) Administering and enforcing the provisions of RSA 358-B, relative to chain distributor schemes.

(j) Administering and enforcing the provisions of RSA 358-C, relative to unfair, deceptive, or unreasonable collection practices.

(k) Administering and enforcing the provisions of RSA 358-D, relative to regulation of motor vehicle repair facilities.

(l) Administering and enforcing the provisions of RSA 358-E, relative to distributorship disclosure.

(m) Administering and enforcing the provisions of RSA 358-F, relative to sale of unsafe used motor vehicles.

(n) Administering and enforcing the provisions of RSA 358-G, relative to regulation of auctions.

(o) Administering and enforcing the provisions of RSA 358-H, relative to regulation of rental referral agencies.

(p) Administering and enforcing the provisions of RSA 358-I, relative to regulation of health clubs.

(q) Administering and enforcing the provisions of RSA 358-J, relative to regulation of buying clubs.

(r) Administering and enforcing the provisions of the weights and measures act, RSA 359-A.

(s) Administering and enforcing the provisions of RSA 359-B, relative to consumer credit reporting.

(t) Administering and enforcing antitrust laws, including the provisions of RSA 356, relative to combinations and monopolies.

(u) Administering and enforcing the provisions of RSA 407-A, relative to motor vehicle warranty agreements.

21-J:10 Environmental Protection Bureau.

I. There is established in the division of public protection an environmental protection bureau. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-J:3 and who shall carry out the duties imposed by this section under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-J:3 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the bureau.

II. The environmental protection bureau shall have the following duties and functions:

(a) Enforcing statutes pertaining to environmental protection, control, and preservation.

(b) Counseling state agencies and commissions given responsibility over environmental concerns, including, but not limited to, the water supply and pollution control commission, the water resources board, the air resources agency, the air resources commission, and the pesticides control board.

(c) Exercising the common law powers of the attorney general to protect the environment.

(d) Bringing public nuisance and other actions in superior court in the name of the state upon complaint by private citizens when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the state.

III. The environmental protection bureau is hereby authorized to call upon any other state department, agency, commission, authority, or institution for whatever help or assistance the senior assistant attorney general deems necessary to investigate and prosecute cases involving environmental damage and such other departments, agencies, commissions, authorities, and institutions are hereby required to immediately cooperate with and assist the division without charge.

21-J:11 Bureau of Civil Law.

I. There is established within the division of legal counsel a bureau of civil law. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-J:3 and who shall carry out the duties imposed by this section under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-J:3 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the bureau.

II. The duties of the bureau shall include, but not be limited to, the following:

(a) Providing advice and legal representation in civil matters for all executive branch agencies;

(b) Providing advice and legal representation for the state in land acquisition matters;

(c) Regulating charitable trusts, as provided for by RSA 7:19 through 7:32-a.

21-J:12 Eminent Domain Bureau.

I. There is established in the division of legal counsel a bureau of eminent domain. The bureau shall be supervised by a senior assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 21-J:3 and who shall carry out the duties imposed by this section under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-J:3 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions of this section within the limits of the appropriations made for the bureau.

II. The duties of the bureau shall include, but not be limited to, the following:

(a) Advising any department, division, bureau, or agency of the state whenever it contemplates the taking of or takes private property.

(b) Representing any department, division, bureau or agency of the state in the taking of any interest in private property.

21-J:13 Unemployment Compensation.

I. The attorney general shall appoint no more than 2 assistant attorneys general pursuant to the provisions of RSA 21-J:3 and a stenographer. These personnel shall be paid by the department of employment security but shall be under the administrative direction and control of the attorney general.

II. Any assistant attorney general appointed pursuant to RSA 21-J:13, I shall be a member of the civil bureau of the division of legal counsel and shall be responsible for representing the department of employment security for all civil and criminal matters in any court arising under RSA 282-A or the rules adopted under it.

III. The commissioner of the department of employment security and all employees of that department shall give the office of the attorney general such aid and assistance as it deems necessary to investigate, prosecute and defend matters arising under RSA 282-A.

21-J:14 Agency Attorneys.

I. Each agency and department of the state shall, by September 1 of each year, file a report with the attorney general listing all agency employees who are licensed to practice law in New Hampshire.

II. This report shall include a description of the duties and responsibilities of all such employees.

III. Agency attorneys, unless specifically authorized by statute or by the attorney general, shall not give legal opinions to state officials.

IV. The provisions of this section shall not apply to the judicial branch, the legislature, or the office of the governor.

21-J:15 Rulemaking. The attorney general shall, in accordance with the provisions of RSA 541-A, adopt rules required of him by RSA 21-G to properly carry out the functions of the department.

2 Transfers and Terminations.

I. The organizational entity known as the office of the attorney general in existence prior to the effective date of this section and the officials of that entity are hereby transferred to and vested in the attorney general appointed to head the department of justice pursuant to this act.

II. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing department, and the officials of that department referred to in this section shall retain their full power and authority.

3 Transfers from Agriculture.

I. All of the functions, powers, duties and responsibilities of the commissioner of agriculture, and the so-called bureau of weights and measures, relative to weights and measures regulation and activities as provided for by RSA 359-A are hereby transferred to and vested in the attorney general appointed to head the department of justice pursuant to this act.

II. The transfers provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind of the department of agriculture significantly involved with weights and measures regulation and activities. The attorney general shall determine, in consultation with the commissioner of agriculture, and include in the implementation plan required by the laws of 1983, 372:4, III, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind are significantly involved with weights and measures regulation and activities.

III. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

4 Transition Procedure. The transition procedure to be followed in implementing the reorganized department of justice established by this act shall be as specified in the laws of 1983, 372:2, 372:3, 372:4, and 372:5 and RSA 21-G.

5 Consumer Advocate. Amend RSA 363:28 as inserted by 1981, 220:7 as amended by striking out said section and inserting in place thereof the following:

363:28 Consumer Advocate. A consumer advocate shall be appointed by the attorney general who shall be a full-time, classified employee and a qualified attorney admitted to practice in this state. The consumer advocate shall be an integral part of the

commission and shall serve as director of a consumer protection department. The commission shall encourage independence of action and diligence for the consumer by the consumer advocate.

6 Chief Medical Examiner. Amend the introductory paragraph of RSA 611-A:1 (supp) as inserted by 1979, 471:1 by striking out said paragraph and inserting in place thereof the following:

There is hereby established within the department of justice the office of chief medical examiner. The office shall be under the immediate supervision of a person who shall be known as the "chief medical examiner" and who shall be a duly licensed physician and certified by the American Board of Pathology to possess special competence in forensic pathology and who has had experience in forensic medicine. He shall be nominated by the attorney general and appointed by the governor and council and shall serve for a term of 5 years and until his successor is appointed and has qualified, unless sooner removed by the governor and council for cause in accordance with the provisions of RSA 4:1. He or his designee shall be continually available for emergency consultation as necessary for carrying out the functions of this office. The chief medical examiner shall be subject to direction and control by the attorney general in all matters relating to the enforcement of the criminal law. He shall have the authority to adopt rules, pursuant to RSA 541-A, relative to:

7 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated by this act to the department of justice.

8 Reference Changes.

I. As of the effective date for the department of justice set according to the laws of 1983, 372:5, II, the references listed below are hereby changed as follows:

(a) All references to the "office of the attorney general" in RSA 356, 356-A, 356-B, 356-C, 358-A, 358-B, 358-D, 358-E, 358-G, 358-H, 358-I, 358-J, 359-B, and any other law of the state, except as otherwise provided by this act, shall be changed to read "department of justice."

(b) All references to the "agency" or the "division," with reference to the office of the attorney general, consumer protection and antitrust division, in existence prior to the effective date of this section, in RSA 356 through RSA 359-C, including RSA 356-A, 356-B, 356-C, 358-E, and 358-I, shall be changed to read "attorney general."

(c) All references to the "commissioner," "commissioner of agriculture," "department of agriculture" or similar references in RSA 339-B and RSA 359-A shall be changed to read "attorney general."

(d) All references to the "department of agriculture" or similar references in RSA 359-A shall be changed to read "department of justice."

(e) All references to "division of weights and measures" in RSA 359-A shall be changed to read "division of consumer protection and antitrust, department of justice."

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules, or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

9 Attorney General-Designate.

I. The governor, with the consent of the council, shall appoint an attorney general on the effective date of this section to serve a term to expire on March 31, 1989, and thereafter for a fixed term of 4 years. The individual so appointed shall be known as the attorney general-designate until the department of justice established by this act becomes operational on the date set according to the laws of 1983, 372:5, II.

II. The attorney general-designate shall assume his full powers and duties under the law when the department of justice becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the attorney general-designate shall perform only the duties prescribed by the laws of 1983, 372:4 and 372:5, and RSA 17-L. During the period when he is preparing his implementation plan the attorney general-designate shall be permitted to choose one clerical person from one of the entities scheduled for transfer to his department to assist him on a full-time basis.

III. The governor may draw his warrant upon funds not otherwise appropriated to provide compensation to the attorney general-designate at the rate specified in RSA 94:1-a for the attorney general during the transition period.

10 Attorney General; Appointment.

Amend RSA 7:1 by striking out said section and inserting in place thereof the following:

7:1 Appointment; Attorney General and Deputy.

The attorney general and deputy attorney general shall be appointed as provided in RSA 21-J:3.

11 Assistant Attorneys General. Amend RSA 7:16 (supp) as amended by striking out said section and inserting in place thereof the following:

7:16 Assistant Attorneys General.

I. The attorney general, subject to the approval of the governor and council, may appoint assistant attorneys general within the limits of the appropriation made for the department of justice, each of whom shall hold office for a term of 5 years and may be removed only as provided under RSA 4:1. Any vacancy in such office may be filled for the unexpired term.

II. Associate attorneys general and senior assistant attorneys general appointed under RSA 21-J:3, shall serve as such at the pleasure of the attorney general.

12 Reports. Amend RSA 7:37 (supp) as amended by striking out said section and inserting in place thereof the following:

7:37 Report of Attorney General. The attorney general shall, on or before December 1 of each odd numbered year, file a report with the governor and council of his official acts and of all money received and the disposition made thereof by him during the preceding 2 years, and containing such statistics and other information concerning crimes and misdemeanors, and such recommendations with reference to their prevention and punishment, as in his judgment the public good requires. He shall include in each report copies of all opinions given by him during the period covered by the report; provided that he shall not be required to include any opinion the publication of which he deems detrimental to the public good. He shall report particularly as to any neglect of duty on the part of county attorneys and other officers charged with the enforcement of the criminal laws. When counsel are employed under the provisions of RSA 7:12, the attorney general shall report such employment, with the reason therefor, and an itemized account of the expense thereof.

13 Statistical Analysis. Amend RSA 7:40 (supp) as inserted by 1979, 495:5 as amended by striking out said section and inserting in place thereof the following:

7:40 Statistical Analysis Center.

There shall be a statistical analysis center under the supervision of the attorney general. The center shall provide complete, accurate, and current criminal and juvenile justice statistics to public officials and law enforcement operational, managerial, and planning personnel. The attorney general shall oversee and coordinate the work of the center in maintaining, coordinating, and improving the state criminal and juvenile justice statistics system; analyzing and publishing criminal justice data; and supervising the management and administrative statistics program.

14 Rulemaking; Sales of Liquid Fuel.

Amend RSA 339-B:10 as inserted by 1971, 404:1 by striking out said section and inserting in place thereof the following:

339-B:10 Enforcement; Rulemaking

Authority.

I. The attorney general shall enforce the provisions of this chapter.

II. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to the pricing of fuel.

15 Stop Sale Order. Amend RSA 339-B:11 as inserted by 1971, 404:1 by striking out said section and inserting in place thereof the following:

339-B:11 Effect of Stop Sale Order.

I. The attorney general shall issue stop sale orders when any product stored, sold, offered or exposed for sale is not permanently and conspicuously labeled as provided in this chapter. Any such illegal product shall be placed under written stop sale order directed to the owner or custodian and held by the attorney general or his representative at a place to be designated in the stop sale order, until properly labeled by the owner or custodian

and released in writing by the attorney general or his representative.

II. The attachment of a stop sale order to any such product is notice and warning to all persons whomsoever, including but not limited to, the owner or custodian, to scrupulously refrain from moving, altering or interfering in any manner with any such product, or altering, defacing or in any way interfering with the stop sale order or permitting the same to be done by another, except with the consent of the attorney general or his representative.

16 Public Offering Statements. Amend RSA 356-A:6, I(f) as inserted by 1970, 55:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(f) additional information reasonably required by rules adopted by the attorney general, pursuant to RSA 541-A, to assure full and fair disclosure to prospective purchasers, including a statement of the cancellation rights set forth in RSA 356-A:4, II.

17 Rulemaking. Amend RSA 356-A:10, I as inserted by 1970, 55:1 by striking out said paragraph and inserting in place thereof the following:

I. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter.

18 Administration. Amend RSA 356-B:48 as inserted by 1977, 468:1 as amended by striking out said section and inserting in place thereof the following:

356-B:48 Administration; Enforcement. The provisions of this chapter shall be administered and enforced by the consumer protection bureau, department of justice, established in RSA 21-J:8.

19 Application Information. Amend RSA 356-B:52, I(i) as inserted by 1977, 468:1 by striking out said subparagraph and inserting in place thereof the following:

(i) Additional information required by rules adopted by the attorney general, pursuant to RSA 541-A, to assure full and fair disclosure to prospective purchasers.

20 Rulemaking. Amend RSA 356-B:59, I as inserted by 1977, 468:1 by striking out said paragraph and inserting in place thereof the following:

I. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter.

21 Rulemaking. Amend RSA 356-C:11 as inserted by 1983, 398:1 by striking out said section and inserting in place thereof the following:

356-C:11 Rulemaking Authority. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter.

22 Rulemaking. Amend RSA 357-C:12, I as inserted by 1981, 477:2 by striking out said paragraph and inserting in place thereof the following:

I. The attorney general shall enforce the provisions of this chapter.

23 Rulemaking. Amend RSA 357-C:12 by inserting after paragraph I the following new paragraph:

I-a. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter.

24 Administrations; Enforcement. Amend RSA 358-A:4, I and II as inserted by 1970, 19:1 as amended by striking out said paragraphs and inserting in place thereof the following:

I. The provisions of this chapter shall be administered and enforced by the consumer protection bureau, department of justice established by RSA 21-J:8.

II. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter. Evidence of a violation of a rule adopted by the attorney general pursuant to this section shall constitute prima facie evidence of an act or practice declared to be unlawful by this chapter in any action brought under this chapter.

25 Distributorship Registration. Amend RSA 358-E:3, I(s) as inserted by 1977, 307:1 by striking out said subparagraph and inserting in place thereof the following:

(s) Any other information required by rule adopted by the attorney general, pursuant to RSA 541-A.

26 Exemptions. Amend RSA 358-E:3, V as inserted by 1977, 307:1 by striking out said paragraph and inserting in place thereof the following:

V. The attorney general may from time to time by order exempt from the provisions of this chapter any distributorship if it finds that the enforcement of all the provisions of this chapter with respect to such distributorship is not necessary in the public interest and for the protection of distributors due to the limited character of the distributorship, or the small amount of money involved or because such distributorship is, in the judgment of the attorney general, otherwise adequately regulated by federal or state law or because such distributorship has been registered and approved pursuant to the laws of the United States or any other state.

27 Rulemaking. Amend RSA 358-E:3, VII as inserted by 1977, 307:1 by striking out said paragraph and inserting in place thereof the following:

VII. The attorney general shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of this chapter.

28 Rulemaking. Amend RSA 359-A:8 as inserted by 1969, 457:2 as amended by striking out said section and inserting in place thereof the following:

359-A:8 Rulemaking Authority.

I. The attorney general shall adopt rules, pursuant to RSA 541, which shall be binding upon state inspectors, city sealers and public weighmasters, relative to:

(a) Schedules of fees for testing and certification.

(b) Standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form.

(c) The technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties.

(d) Exemptions from the sealing and marking requirements of RSA 359-A:14 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question.

(e) The compulsory registration and regulation of servicemen and service agencies.

(f) The licensing of and the technical and reporting procedures to be followed by public weighmasters.

II. These rules shall include specifications, tolerances, and other technical requirements for weights and measures of the character of those specified in RSA 359-A:10, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those:

(a) That are not accurate;

(b) That are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly; or

(c) That facilitate the perpetration of fraud.

The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of the state of New Hampshire, except insofar as specifically modified, amended, or rejected by a rule adopted by the attorney general. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements adopted as specified in this section. Other apparatus shall be deemed to be "incorrect."

III. All such rules as are published by the National Conference on Weights and Measures for the implementation of this New Hampshire weights and measures law including amendments, supplements and revisions thereto shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

29 Temporary Authority to Set Salaries.

I. The attorney general appointed pursuant to this act shall include as part of the implementation plan required by the laws of 1983, 372:4, III recommendations as to the appropriate temporary salary level for the associate attorneys general and senior assistant attorneys general of the department.

II. The joint committee on implementation of reorganization established by RSA 17-L shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for each associate attorneys general and senior assistant attorneys general of the department of justice.

III. The joint fiscal committee shall recommend permanent salary levels for each associate attorneys general and senior assistant attorneys general of the department of justice to the next regular or special session of the general court following the effective date for the department of justice established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of justice established pursuant to this act.

30 Rulemaking. Prior to January 1, 1987, the attorney general shall present proposed legislation containing a specific delegation of rulemaking authority to replace RSA 356-A:10, I; 356-B:59, I; 356-C:11; 357-C:12; 358-A:4, II; and 358-E:3, VII to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the attorney general with sufficient authority to fulfill the regulatory role assigned to him under this act.

31 Repeals. The following are hereby repealed.

I. RSA 7:2, relative to the appointment of the deputy attorney general.

II. RSA 7:4, relative to the salaries of the attorney general and the deputy attorney general.

III. RSA 7:18-a; 7:18-b; 7:18-c; 7:18-d; and 7:18-e, relative to the environmental protection division, office of the attorney general.

IV. RSA 356-A:1, VIII; 356-C:1, I; 358-E:1, I; and 358-I:1, II, relative to the consumer protection and antitrust division, office of the attorney general.

32 Repeal. RSA 356-A:10, I; 356-B:59, I; 356-C:11; 357-C:12, I; 358-A:4, II; and 358-E:3, VII, relative to the rulemaking authority of the attorney general, are hereby repealed.

33 Effective Date.

I. Sections 1, 2, 3, 4, 9, 29 and 33 of this act shall take effect on July 1, 1985.

II. Section 32 of this act shall take effect on July 1, 1987.

III. The remainder of this act shall take effect when the department of

justice becomes operational on the date set according to the laws of 1983, 372:5, II.

Amendment adopted.
Ordered to third reading.

HB 244, relative to reinstatement of injured employees. Inexpedient to Legislate. This proposition has been discussed in the Advisory Council for Workers' Compensation without action. The reason for Inexpedient to Legislate is the impact it would have on small business. Not too many employees would be involved. Vote 7-5. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 286, relative to the minimum wage for youths. Ought to Pass.

This measure provides that youth of 17 and over shall be paid minimum wage of \$3.35 per hour. Only 10 to 15% of the state's businesses will be affected by this law as others fall under the existing minimum wage scale. Vote 11-3. Rep. E. Jane Walker for Labor, Industrial and Rehabilitative Services.

Rep. Skinner yielded to questions.
Ordered to third reading.

HB 392-FN, relative to special plates for former prisoners of war. Ought to Pass. The majority of the Committee felt this action would not set any precedent to prevailing legislation pertinent to other organizations, and this subject matter would sunset, and without burden to local revenues. Vote 14-5. Rep. Paul A. Golden for Municipal and County Government.

Ordered to third reading.

HB 170-FN, appropriating the proceeds of the sale of certain state prison property. Ought to Pass with Amendment.

This bill would permit the prison to sell 2.54 acres of land on Route 3. Proceeds from the sale would go to the department of corrections for new facilities on the prison farm. The amendment ensures the sale price will not be less than \$65,000. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

Rep. Franklin Torr moved that HB 170 be recommitted to the Committee on Appropriations and spoke to his motion.
Adopted.

HB 170 was recommitted to the Committee on Appropriations.

HB 309, requiring members of ski patrols to have first aid training. Inexpedient to Legislate.

Visits by Committee members to several ski areas, for examination of first aid training, adequacy of first aid facilities and operating procedures, resulted in the determination that this

legislation is unnecessary. Persons employed on ski patrols had the requisite qualifications, from advanced first aid, to being an emergency medical technician, to qualification in cardiopulmonary resuscitation. Operators of privately-owned ski slopes, because of the great danger of their involvement in lawsuits, are inclined to bend over backwards to hire only thoroughly qualified persons, and to assure that training requirements are maintained current. Vote 16-0. Rep. Germaine Y. Bourdon for Public Protection and Veterans Affairs.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Lamy moved that the House reconsider its action whereby it passed HB 59, to prohibit blind bidding on motion pictures.
Reconsideration lost.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 26 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, and excess to be lapsed into the highway fund.

HB 184-FN, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters.

HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor.

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington.

HB 307-FN, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985.

HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy.

HB 262, relative to the resale of tickets.

HB 318, relative to mortgage escrow accounts.

HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district.

HB 512, relative to cease and desist orders by the bank commissioner.

HB 113-FN, relative to sunset review of vocational rehabilitation.

HB 295, relative to school district boundaries in Canterbury and Concord.

HB 51, relative to the rulemaking authority of the office of waste management.

HJ 160-FN, relative to sunset review of the air resources agency.

HB 174-FN, allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.

HB 301, relative to the state committee on mosquito control.

HB 106-FN, relative to sunset review of the office of state negotiator.

HB 305-FN, authorizing the barbering and cosmetology board to set fines.

HB 138-FN, relative to sunset review of game resources.

HB 420-FN, relative to proceeds from furbearers confiscated or acquired by the department of fish and game.

HB 358, relative to driver's license revocations under the implied consent law.

HB 235, authorizing any town or city to establish a hydroelectric fund.

HB 243, relative to county purchasing regulations.

HB 335, relative to procedures for charter revision or adoption.

HB 314, to reclassify a certain highway in the town of Dunbarton.

HB 103-FN, relative to sunset review of the sweepstakes commission.

HB 132-FN, relative to sunset review of parks and recreation.

HB 135-FN, relative to sunset review of forestry and land resources.

HB 147-FN, relative to sunset review of economic development.

HB 369-FN, relative to maintaining the Old Man of the Mountain and making an appropriation therefor.

HCR 3, to encourage reduced billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances.

HCR 4, relative to the allocation of state public waters.

SB 11, relative to the classification of the Nashua river.

HB 59, to prohibit blind bidding on motion pictures.

HB 148-FN, relative to sunset review of industrial development authority.

HB 108-FN, relative to sunset review of personnel department, administrative support division.

HB 180, establishing a department of justice.

HB 286, relative to the minimum wage for youths.

HB 392-FN, relative to special plates for former prisoners of war.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:04 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

HOUSE JOURNAL 13

Tuesday, 26Mar85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Bishop Robert E. Mulvee of Manchester.

Almighty God, we ask Your blessing on this Legislature, and more specifically, on these legislators.

These men and women are concerned with many issues which affect the quality of life in this State of New Hampshire. As they weigh these issues, grant them Your wisdom.

And give them patience, Lord, when in their efforts to accomplish their tasks: the political process seems interminably slow; the hearings seem unnecessarily lengthy; the time to read essential reports seems non-existent.

As people, striving to accomplish our tasks, all of us, Lord, in both the private and public sector, need Your blessing.

For it is our never ending common task to enhance and protect all of the rights of all of our citizens.

May we continue to work diligently, always listening carefully to increase our knowledge of the total community so that we in turn may better serve and complete the mission You have given us.

May our work always be a sign of our continued praise for You. Amen.

Rep. James J. White led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Dingle, Lamontagne, Reidy, Chagnon, Bennett and Blanchard, the day, illness.

Reps. Wight, Longworth, Donovan, Gross, Vartanian, Joslyn, Hayes, Taffe, Duprey, Blacktor, Mehegan, Walter Robinson, Ralph Torr, McCue and Margaret Roberts, the day, important business.

Rep. Simon, the day, death in the family.

INTRODUCTION OF GUESTS

Mayor Ottolini of Berlin, guest of Rep. Ottolini; Margaret Berger, guest of Rep. Sanderson; Susan Strickland, Hazel Hunter and Susan Martel, of the Marlow PTA, guests of Rep. Daniel Eaton; delegation from the New Hampshire Congress of Parents and Teachers, guests of Reps. Holden and Stachowske; Eric Ormsby, elected Speaker of the House, YMCA Youth and Government Program.

COMMUNICATION

Honorable John Tucker
Speaker of the House

Dear Mr. Speaker:

The Epping High School Girls Basketball Team and coaches would like to express their thanks and appreciation for your acknowledgement of their recent class "S" championship victory.

Being recognized by the Speaker of the House and receiving a standing ovation from House Members was certainly a peak experience for them. This recognition was a special addition to their memories of this exciting time in their lives.

Thank you for receiving us so graciously.

Sincerely,
Bonnie Meroth

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENT

HB 200, making an appropriation for capital improvements. (Amendment printed SJ 3/21)

Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The speaker appointed Reps. Bibbo, Walter, Chamberlin and Levesque.

REQUESTS CONCURRENCE

SB 28-FN, relative to search and rescue in the White Mountains during the winter months.

SB 76, to reclassify certain highways in the town of Sunapee.

SB 38, relative to the integrated bar.

SB 52-FN, establishing an advisory committee on rules of evidence.

SCR 2, requesting the United States Congress to amend the United States Constitution to limit the total number of congressional terms a person may serve.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 28, 76, 38, 52 and Senate Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 28-FN, relative to search and rescue in the White Mountains during the winter months. (Fish and Game)

SB 76, to reclassify certain highways in the town of Sunapee. (Public Works)

SB 38, relative to the integrated bar. (Judiciary)

SB 52-FN, establishing an advisory committee on rules of evidence. (Judiciary)

SCR 2, requesting the United States Congress to amend the United States Constitution to limit the total number of congressional terms a person may serve. (Constitutional and Statutory Revision)

CONCURRENCE

HB 82, establishing a nursery and nursery stock act.
 HB 83, relative to "stop sale" orders.
 HB 143-FN, relative to sunset review of the division of animal industry.
 HB 157-FN, relative to sunset review of agricultural resources.
 HB 8, prohibiting bail pending appeal for persons convicted of certain offenses.
 HB 75, relative to appeals by the state in criminal cases.

NONCONCURRENCE

CACR 3, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session.

ENROLLED BILLS REPORT

HB 10, relative to police presence at public meetings or functions.
 HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming.
 HB 21, relative to filing with the school district clerk or town clerk.
 HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for 2 years.
 HB 33, authorizing the town of Hudson to construct a dam at Robinson Pond.
 HB 48, providing for the acquisition of Jones Pond dam by the department of fish and game.
 HB 60, establishing granite as the state rock, beryl as the state mineral, and smoky quartz as the state gem.
 HB 67, to allow a designee from the office of the attorney general and a deputy treasurer to serve on the board of trust company incorporation in place of the attorney general and the state treasurer.
 HB 101, relative to sunset review of small loan and vehicle finance.
 HB 115, relative to sunset review of the veterans council.
 HB 116, relative to sunset review of estimated revenue.
 HB 117, relative to sunset review of operations and maintenance.
 HB 121, relative to sunset review of central New Hampshire turnpike operation.
 HB 133, relative to sunset review of estimated revenue.
 HB 134, relative to sunset review of state overhead charge.
 HB 136, relative to sunset review of the northeastern forest fire protection commission.
 HB 139, relative to sunset review of central New Hampshire turnpike maintenance.
 HB 140, relative to sunset review of turnpikes administration overhead.

HB 150, relative to sunset review of central New Hampshire turnpike debt service.

HB 159, relative to sunset review of adjutant general maintenance preparation force.

HB 181, relative to the national guard.
 HB 65, increasing the legal drinking age to 21.

HB 268, making certain supplemental appropriations.

Rep. Chris Jacobson
 Sen. Mark Hounsell
 For the Committee.

The Coos County Delegation offered the following:

HOUSE RESOLUTION NO. 26

Memorializing former Representative Rebecca A. Gagnon of Berlin.

WHEREAS, Rebecca A. Gagnon, between 1939 and 1975, was elected to 15 terms in the New Hampshire House of Representatives, faithfully serving her constituents in the City of Berlin in the County of Coos, and

WHEREAS, Rebecca A. Gagnon served devotedly on the Standing Committees on Labor, Public Health, Public Works, Transportation, and 18 consecutive years with Executive Departments and Administration, and

WHEREAS, having lived all of her 90 years in the City of Berlin, Rebecca A. Gagnon was a valuable and conscientious elected official who was admired and respected by her colleagues for her legislative wisdom, friendliness and gracious manner, and

WHEREAS, Rebecca A. Gagnon was a delegate to four Constitutional Conventions and served actively with the Organization of Women Legislators, the American Legion Auxiliary, Assumption Society and St. Ann's Society, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Rebecca A. Gagnon be publically recognized and given highest commendation for her service to the State and its residents, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to her family.

Adopted unanimously by a rising vote of silent prayer.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 141 was removed at the request of Rep. Elizabeth Greene.

HB 484 was removed at the request of Rep. Alf Jacobson.

Hbs 168, 226 and 516 were removed at the request of Rep. Spaulding.

HB 284 was removed at the request of Rep. Bowler.

HB 441 was removed at the request of Rep. Nancy Ford.

HB 92 was removed at the request of Rep. Newman.

HB 112 was removed at the request of Rep. Labombarde.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 383-FN, making a supplemental appropriation for the tuition and transportation costs of regional vocational students. Ought to Pass with Amendment.

School districts have already absorbed the costs of 1984 for moneys which were not included in the budget at that time. The Committee feels the State should honor their contracts with the school districts and pay the current 1985 costs. Vote 13-0. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplemental Appropriation to the Division of Vocational Technical Education. In addition to any other sums appropriated to the department of education, division of vocational technical education, the sum of \$500,000 is hereby appropriated for the fiscal year ending June 30, 1985, to be expended for reimbursement of tuition and transportation costs to students attending regional vocational centers. The funds appropriated shall be used to cover the anticipated shortage for the current fiscal year. These sums shall not be transferred or expended for any other purpose, and shall lapse on September 30, 1985. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Supplemental Appropriation for School Building Aid. In addition to any other sums appropriated to the department of education, the sum of \$844,057 is hereby appropriated for the fiscal year ending June 30, 1985, to be expended for carrying out the mandate of RSA 198:15-a, annual grant for the payment of debt service for school construction. The funds appropriated shall be used to cover the shortage for the current fiscal year. These sums shall not be transferred or expended for any other purpose, and shall lapse on September 30, 1985. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

HB 304-FN, to protect communities from the fiscal impact of court-ordered placements of children. Ought to Pass.

The Committee feels that it is unfair for a town or city to have to pay for the full costs of court-ordered placements. The Committee is strongly in favor of shared costs between state and local government. HB 304 calls for 80% state and 20% local participation in payment of court-ordered placements of children. Vote 16-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 405-FN, establishing a care management system for the elderly and making an appropriation therefor. Refer for Interim Study.

This bill would establish a system that increases the opportunity for the elderly in need of care to remain in their homes instead of being institutionalized, thus the Committee recognizes its importance to both the elderly and those who must pay for institutionalization. The Committee, however, found a number of defects in the bill that could not be remedied in the time available. The interim study will be completed by January 1986. Vote 16-0. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

HB 492-FN, requiring the state to pay for court-ordered placement of juveniles. Inexpedient to Legislate.

The majority of the testimony at the public hearing suggested that a shared cost between state and local government for court-ordered placements of children would be a more acceptable solution than 100% state funding. Another piece of legislation deals with a shared approach to the problem. Vote 15-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 569-FN, making abuse of a child or family member a class B felony. Inexpedient to Legislate.

The Committee believes it unnecessary to preempt the authority of the courts in determining appropriate penalties for conviction in cases involving children or family members. Vote 15-0. Rep. James H. Pannell for Children, Youth and Elderly Affairs.

HB 606-FN, relative to financial institution holding companies. Inexpedient to Legislate.

Members in discussing this bill with sponsors, found that it should be worked on. Vote 17-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

HB 515, relative to the ballot law commission. Ought to Pass.

This bill makes one day certain when the Ballot Law Commission will meet on all

questions, thus the ballots can be printed on time for the general elections. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 541, making references gender neutral in certain domestic relations statutes. Ought to Pass.

This bill will equalize the gender gap in certain domestic relations statutes. Vote 7-2. Rep. Martin Lussier for Constitutional and Statutory Revision.

HCR 7, requesting Congress to make all national holidays fall on their original dates. Inexpedient to Legislate.

The Committee feels that our Congressmen and Senators are in Washington to do this for us, and individuals should get in touch with them. Vote 9-1. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 347-FN, relative to the current use tax. Ought to Pass with Amendment. This clarifies the status of land under current use when a part is taken by eminent domain. Also, land on which earth is stockpiled does not lose its current use status when the stockpile is later removed. Vote 14-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Land For Public Roads Excluded. Amend RSA 79-A:7 by inserting after paragraph V the following new paragraph:

VI. For purposes of this section, land use shall not be considered changed and the land use change tax shall not be assessed when:

(a) Land under current use is taken by eminent domain or any other type of governmental taking which would cause the use change penalty to be invoked because, by reason of an actual physical change or by reason of size, the site no longer conforms to criteria established by the board under RSA 79-A:4, I.

(b) Land abutting a site taken by eminent domain or any other governmental taking upon which construction is in progress is used to stockpile earth taken from the construction site. Stockpiled earth may be removed at a later date after written notification to the appropriate local official.

2 Excavation Permit Exemption. Amend RSA 155-E:2 by inserting after paragraph V the following new paragraph:

VI. A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the appropriate local official.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 458-FN, relative to current use assessment and making an appropriation therefor. Inexpedient to Legislate.

The thrust of testimony heard by the Committee indicates that this bill would impose an unnecessary restriction on current use assessment and would be contrary to the intent of the law. The fiscal impact, possibly reaching millions of dollars, is too burdensome for the narrow application of the proposed bill. Vote 14-1. Rep. J. Lisbeth Olimpio for Environment and Agriculture.

HB 526, prohibiting drugs in pulling contests. Ought to Pass with Amendment. As amended, this bill prohibits the use of butazolidin in pulling contests. Vote 16-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Butazolidin Prohibited in Pulling Contests. Amend RSA 443:90 as inserted by 1969, 270:1 as amended by striking out said section and inserting in place thereof the following:

443:90 Doping and Stimulating. It is unlawful for any person to administer internally or externally any drug, including butazolidin in pulling contests, or stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in a pulling contest.

443:90-a Definition. The term "equine event" as used in this subdivision shall mean any animal contest. The commission shall adopt rules, pursuant to RSA 541-A, further defining an animal contest.

2 Effective Date. This act shall take effect upon its passage.

HB 528, requiring the consideration of noise levels in energy facility siting decisions. Ought to Pass.

This bill adds "noise levels" to the list of things to be considered in siting facilities. Vote 16-0. Rep. Roberta C. Pevear for Environment and Agriculture.

HB 535-FN, relative to current use assessment. Inexpedient to Legislate. The Committee was persuaded by testimony that the effect of this legislation would be contrary to the intent of the Current Use Law. Vote 18-1. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 539, relative to the protection of sand dunes. Ought to Pass.

This clarifies laws protecting the sand dunes on the coast, and establishes penalties for violations. Vote 16-0. Rep. Roberta C. Pevear for Environment and Agriculture.

HB 403-FN, licensing commercial animal training, boarding, and grooming facilities. Inexpedient to Legislate.

The purpose of this proposed legislation, as described by the sponsor and as discussed in subsequent testimony by the Commissioner of Agriculture, clearly has merit. However, the Committee feels that the bill submitted does not address the true intent. Vote 18-0. Rep. William F. McCain for Executive Departments and Administration.

HB 407, relative to licensing tattoo parlors. Ought to Pass with Amendment. This bill provides that local communities can regulate, issue permits, charge fees and inspect tattoo parlors of any kind within their legal boundaries. Vote 17-0. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

allowing towns to regulate
tattooing facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tattoo Permits. Amend RSA 31:39, I(1) (supp) as inserted by 1981, 211:1 by striking out said subparagraph and inserting in place thereof the following:

(1) Making and ordering their prudential affairs; and

(m) Issuing permits for tattooing facilities and charging a fee for the permit.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 381-FN, providing free trapping licenses for persons over 68 years of age. Inexpedient to Legislate.

There is no way for the Fish and Game Department to get reports on furs. Also, trapping is a business and sport. Vote 12-3. Rep. Clayton Crane for Fish and Game.

HB 507, relative to damages paid by the department of fish and game. Ought to Pass. The Committee feels the present product cost attributed with this bill is proper and that it should continue. Vote 10-2. Rep. Gerald R. Smith for Fish and Game.

HB 514, relative to hunting coyote. Inexpedient to Legislate.

The Committee feels that this bill, if passed, would open up a Pandora's box with illegal night hunting, especially jacking of deer and bears. Vote 10-3. Rep. Gerald R. Smith for Fish and Game.

HB 525, authorizing the taking of one salmon and one lake trout or 2 lake trout through the ice on Lake Winnepesaukee and Lake Winnisquam only. Inexpedient to Legislate.

Salmon fishing is the only sport fishing in New Hampshire lakes. To allow the taking of salmon through the ice on these lakes will deplete the spring sport fishing. Also, it would deplete the large fish, the source of eggs for the Fish and Game Department. Vote 15-1. Rep. Clayton Crane for Fish and Game.

HB 570-FN, relative to licensing antique snowmobiles. Ought to Pass.

This bill will create revenue for the Fish and Game Department. It will also initiate interest among snowmobilers to show-off their antique snowmobiles. It's a fun bill. Vote 12-1. Rep. Romeo J. Theriault for Fish and Game.

HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs. Ought to Pass.

The new for one department to be responsible for all enforcement and registration factors are made uniform in this bill. Vote 11-2. Rep. Gerard E. Powers, Jr. for Fish and Game.

HB 448-FN, relative to the radiological health program. Refer for Interim Study. This piece of legislation introduced as a housekeeping bill, but is best described as an adjustment for the future. The Committee, recognizing that RSA 125:77-B prohibiting hazardous waste siting in New Hampshire, has not been repealed. There are no current actions to repeal that statute, therefore the Committee does not, at this time, require legislation as an adjustment for the future. The Committee voted 19-0 for interim study for the purpose of any archaic language change that may be necessary. Rep. Lynn Joslyn for Health and Human Services.

HB 470-FN, relative to homemaker services. Ought to Pass with Amendment. Due to rising cost of nursing home care, the Committee felt strongly that those who are able to remain at home, with medical care should do so. Vote 19-0. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

Amendment

Amend RSA 161-F:3, IV as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV. "Provider agency" means a profit or nonprofit independent:
(a) homemaker service agency;
(b) homemaker program of a family or child welfare service;

(c) an organization serving the aged;
 (d) a visiting nurse association; or
 (e) any similar profit or nonprofit organization.

Amend RSA 161-F:5, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. The homemaker services shall be administered through the division and shall be coordinated with any existing homemaker services. The service shall be provided through the purchase of qualified service and, to the extent feasible, shall be coordinated through local agencies. To be certified by the division, any agency, whether public, voluntary nonprofit, or profit, shall meet the basic standards for medicare certification or standards set by a responsible national voluntary nonprofit agency, such as the National Home Caring Council, Inc., the National League of Nursing, or the Council on Accreditation for Families and Children.

Referred to Appropriations.

HB 478-FN, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses. Ought to Pass.

The Committee feels that this program is appropriate and necessary, therefore voted unanimously for the bill. Vote 15-0. Rep. Lawrence A. Chase, Jr. for Health and Human Services.

Referred to Appropriations.

HB 216-FN, authorizing superintendents of houses of correction and administrative heads of jails to place convicted inmates at labor on state, county or municipal work projects not to exceed 8 hours per day 5 days per week. Inexpedient to Legislate.

The Committee feels that this bill is not necessary. County corrections supervisors are able to put their inmates to work on many different projects under current law. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 331, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. Inexpedient to Legislate.

The Committee believes that the potential problems resulting from enacting this bill outweigh the potential benefits. Vote 13-0. Rep. Marc Chretien for Judiciary.

HB 340, relative to accomplices. Inexpedient to Legislate.

This bill widens the definition of accomplices under our statutes. The Committee believes there was insufficient cause shown to justify passage of this bill. Vote 12-1. Rep. Marc Chretien for Judiciary.

HB 360, relative to the penalty for escape from a house of correction. Ought to Pass.

This bill repeals a statute providing a penalty for escape from a house of correction. All escapes from official custody are covered in RSA 642:6. Vote 9-3. Rep. Donna P. Sytek for Judiciary.

HB 362, relative to restitution. Ought to Pass.

This bill places mandatory responsibility upon juveniles to make restitution imposed upon them by the court during the time they were juveniles. This bill would make the juvenile liable and in contempt of court as an adult after reaching his 19th birthday if restitution is not made. Under the existing law there is no recourse by the court if restitution is not made prior to the time the juvenile becomes an adult. Vote 10-2. Rep. C. William Johnson for Judiciary.

HB 371, to restore the curative statute for deeds defectively witnessed. Ought to Pass.

This bill corrects an oversight in previous legislation by allowing a deed which was defectively witnessed to be considered valid if it has been on file with the register of deeds for 10 years. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

HB 449, relative to marriages of minors and waiver of the waiting period for marriage. Ought to Pass with Amendment.

This bill allows these waivers to be made in the district and municipal courts. This will mean less burden on Superior and Probate Courts and great convenience for the public. Vote 11-2. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to marriages of minors, waiver of the waiting period for marriage, and waiver fees and copy costs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. Petition to Marry by Minor. Amend RSA 457:6 as amended by striking out said section and inserting in place thereof the following:

457:6 Petition by Party Under Age. If special cause exists rendering desirable the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such

marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to a justice of the superior court, or to a judge of probate, or to a municipal court judge, or to a district court judge, for permission to contract such marriage.

2 Shortening Waiting Period for Marriage. Amend RSA 457:27 as amended by striking out said section and inserting in place thereof the following:

457:27 Shortening Period. On application to a district court judge, a justice of the superior court, a municipal court judge, or a judge of probate, the court for good cause shown may order that the period of 3 days provided in RSA 457:26 be shortened. If the court determines that the 3 day period may be shortened, the judge, in the absence of the clerk of court or register of probate, may give a signed copy of the court order shortening the waiting period to the parties.

3 Waiver Fees and Copy Costs. Amend RSA 457 by inserting after section 29 the following new section:

457:29-a Waiver Fees and Copy Costs. The fee schedule for waivers and copies shall be set by the supreme court, pursuant to RSA 490:26-a.

4 Repeal. RSA 457:6-a, relative to fees for certificates of marriage waivers, is hereby repealed.

5 Effective date. This act shall take effect January 1, 1986.

HB 452-FN, relative to multicounty grand juries. Ought to Pass.

This bill provides for more efficient prosecution by permitting the Attorney General, with the approval of the Supreme Court, to convene a multicounty grand jury in certain cases. Rather than having grand jury proceedings in each of several counties where a particular crime occurred, a single grand jury comprised of members from each of the counties involved could be empanelled. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

HB 453, relative to theft of utility services. Ought to Pass.

This bill makes clear that a person may be prosecuted under either of two similar statutes covering theft of services. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

HB 463-FN, allowing forfeiture to the state of certain property used in the perpetration of a crime, with proceeds from the sale of such property to be used to compensate the crime victim. Inexpedient to Legislate.

The subject matter of this bill will be addressed in another bill. Vote 13-0. Rep. Thomas U. Gage for Judiciary.

HB 481-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. Inexpedient to Legislate.

The sponsor asked that this bill be reported out Inexpedient to Legislate. The Committee felt this was a special interest bill and the state was working to hire and accommodate the handicapped at the present time. Vote 12-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 518, relative to the appellate division of the department of employment security. Inexpedient to Legislate.

This bill would create a new separate entity for which there is no funding. The measure would reverse much that was done by Sunset process. The legislative intent of the Appellate Division comprised of the chairman, vice-chairman, lawyers and representatives of management and labor would be done away with. It would also open up lawyer's fees with unlimited costs for the unemployed. Vote 14-0. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer. Ought to Pass with Amendment.

House Bill 523 is a measure that passed the House last session that would guarantee an employee who reports to work at the employer's request that he or she be paid not less than 2 hours pay. If called to work, one should be compensated. Vote 11-0. Rep. Merino Romoli, Jr. for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Required Pay. Amend RSA 275 by inserting after section 43 the following new section:

275:43-a Required Pay. On any day an employee reports to work at his or her employer's request, he or she shall be paid not less than 2 hours pay at his or her regular rate of pay, provided that this section shall not apply to employees of counties or municipalities.

HB 534, relative to expenses incurred by the commissioner of the department of employment security. Ought to Pass.

House Bill 534 would exempt the Department of Employment Security, which is totally federally funded, and can only spend what it earns in a complicated and competitive funding process from the day-to-day process and requirements of two budgets, federal and state. This will bring relief and reduce duplication and related costs, not only for the Department of Employment Security, but for the Division of Accounts, Purchasing and Personnel. The Department is not asking to be removed from the budget or the accountability required in the

administration of public funds, but only from the operational requirements of the budget, which often are unnecessarily duplicative and inefficient in the use of very limited public funds. Vote 12-0. Rep. Merino Romoli, Jr. for Labor, Industrial and Rehabilitative Services.

HB 540, establishing a committee to recodify the state's labor laws. Ought to Pass.

Recodification has not occurred since 1948. The Committee felt it was time for this to be accomplished by a committee consisting of 3 members of the House, 3 members of the Senate, and the Labor Commissioner or his designee who will propose a draft form of recodification which shall be submitted for introduction in the 1987 session of the General Court. Vote 11-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 242, relative to notifying abutters. Ought to Pass with Amendment.

This bill drops the return receipt, but retains the requirement that notices be sent by certified mail, thus reducing time and effort by local boards. The Post Office has procedures for tracing receipt in the event of a claim of non-receipt of a notice. Municipalities so desiring may retain the return receipt requirement. Although the bill does not address the vexing problem of notices to multiple owners, such as time-sharing condominiums. The Committee feels it merits passage. The amendment clears up a typographical error. Vote 18-1. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend RSA 676:4, I(d) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(d) Notice to the applicant, abutters and the public shall be given as follows: The planning board shall notify the abutters and the applicant by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time

and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

HB 260, relative to appropriated funds in Hillsborough county. Ought to Pass.

The Committee feels that since the Hillsborough County Commissioners have no authority to create a new position or appropriate funds for a special project, it is logical that they should need approval of the executive committee to abolish or make part-time a position, or to withhold funds appropriated for special projects. If this legislation is requested by other counties, it can be extended to them if the experience in Hillsborough County so dictates. Vote 17-0. Rep. Timothy Bates for Municipal and County Government.

HB 397-FN, establishing a commission to study the recodification of state laws on municipalities. Ought to Pass.

This legislation would provide for an adequate correlation of municipal laws. Vote 17-0. Rep. George M. West for Municipal and County Government.

HB 365, relative to a study of the traffic problems on Route 102 in the town of Derry. Refer for Interim Study.

This bill addresses a problem considered in another bill which was referred for Interim Study. Both bills will be studied at the same time. Vote 19-0. Rep. James V. Bibbo, Jr. for Public Works.

HB 485-FN, relative to the number plate fund. Ought to Pass with Amendment.

This is necessary legislation to cover the necessary expenses of inventory and storage of the new plates. Vote 20-0. Rep. Norman B. Rogers for Public Works.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Fund Increased. Amend RSA 228:25, I as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the following:

1. There is hereby established an inventory fund in the department of safety in the amount of \$2,000,000 which sum is hereby appropriated and shall be a charge against the highway fund. The prison shall purchase such raw materials as may be required and agreed to by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. This purchase shall be a charge against the inventory fund and the prison shall be responsible for the control and accountability of the raw materials so charged. Said number plates shall be manufactured at the state prison.

The prison shall be furnished out of said inventory account the raw materials necessary to manufacture said plates and upon receipt of the finished plates by the department of safety shall be reimbursed for their direct and indirect costs. The commissioner of safety shall, annually, request the comptroller to review and approve said cost rates. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee the sum of \$1.50 per plate at the time of issue said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give the registrant any title or other property interest in said plates. The commissioner of safety or his deputy may request from time to time delivery of said number plates from the prison and shall reimburse said inventory fund by a transfer from revenue. Costs associated with the storage and distribution of the number plates shall also be a charge against this fund. At least 6 months prior to subsequent general issue, a transfer from revenue shall be made for all remaining finished plates in inventory.

Referred to Appropriations.

HB 542, relative to access to the interstate system from certain terminals. Inexpedient to Legislate.

Information given to sponsor didn't blend with intent and complexities of bill as written. Vote 14-0. Rep. Norman B. Rogers for Public Works.

HB 545-FN, relative to sewer improvement funds in the city of Rochester. Ought to Pass with Amendment.

This adds the city of Rochester to the list of towns currently proceeding on their own to complete sewer projects. The bill has the complete support of the Water Supply and Pollution Control Commission. Vote 14-0. Rep. Sandra B. Keans for Public Works.

Amendment

Amend RSA 149-B:1-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

149-B:1-c Limitation of State Guarantee. If any one of the towns of Derry, Salem or Wolfeboro or the city of Rochester undertakes the construction of sewer disposal facilities pursuant to RSA 149-B:1-b, the state shall limit its guarantee of the construction bonds for said facilities to 25 percent of the total cost for the construction of that town's or city's sewage disposal facilities.

HB 573-FN, relative to class II highways state aid. Ought to Pass with Amendment. This is a Public Works and Highways Department housekeeping bill. The amendment addresses a request of the Town of Hopkinton. Vote 19-0. Rep. James C. Chamberlin for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to class II highways and naming a bridge in Hopkinton for Leroy R. Kimball.

Amend section 7 of the bill by striking out same and inserting in place thereof the following:

7 Leroy R. Kimball Bridge. Pursuant to RSA 4:43, the bridge on route 103 over the Contoocook river in Contoocook village in the town of Hopkinton is hereby named the Leroy R. Kimball bridge.

8 Effective Date. This act shall take effect 60 days after its passage.

HB 585-FN, authorizing the acquisition of a dam in the town of Goffstown by the department of public works and highways for road construction purposes. Inexpedient to Legislate.

This bill is Inexpedient at this time until an interdepartmental dispute is solved and litigation with the owner of the dam settled. Vote 19-0. Rep. James J. White for Public Works.

HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages. Ought to Pass with Amendment.

This bill revised and strengthened the issuance and format of identification cards to be in possession of youthful purchasers of liquor and alcoholic beverages. The enforcement branch of the Liquor Commission endorsed this bill completely. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licensees or permittees.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Statement from Purchaser as to Age. Amend RSA 175:6-b (supp) as inserted by 1965, 286:2 as amended by striking out said section and inserting in place thereof the following:

175:6-b Statement From Purchaser as to Age.

I. For the purposes of RSA 175:6-a, any person making the sale of alcoholic beverages to any person whose age is in question shall require the purchaser to furnish any of the following documentation that he is 20 years of age or over:

(a) A motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state which bears the date of birth, name, address and picture of the licensee.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21, or any picture identification card issued by another state which bears the date of birth, name and address of the individual.

(c) An armed services identification card.

(d) A valid passport from a country with whom the United States maintains diplomatic relations.

II. Photographic identification presented under this section must be consistent with the appearance of the person, and must be correct and free of alteration, erasure, blemish, or other impairment.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Employment of Youths. Amend RSA 175:8 (supp) as amended by striking out said section and inserting in place thereof the following:

175:8 Employment of Youths. No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, provided, however, that the holder of an off-sale permit issued under the provisions of RSA 181:5 or retail wine license issued under the provisions of RSA 178-A:2 may employ minors of not less than 15 years of age when beverage or wine is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, provided further that such employees shall be at least 16 years of age if employed in a selling capacity, and provided further that an adult person shall be in attendance during the time of such employment. The provisions of this section shall not in any way prevent any on-sale licensee or permittee under the provisions of RSA 178 and RSA 181 from employing any person 18 years of age or older to serve or otherwise handle liquor or beverages nor shall it prevent the holder of an on-sale permit to employ minors of not less than 16 years of age to clean tables and lounge areas and clear them of any containers or glasses, and to move case lots or partial case lots, provided that said minors are not involved in serving liquor or beverages in any way, and provided further that an adult person shall be in attendance during the time of such employment.

8 Effective Date. This act shall take effect January 1, 1986.

HB 328, relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E. Ought to Pass with Amendment.

This bill, requested in part by the Water Supply and Pollution Control

Commission and in part by concerned local health officers, simplifies the monitoring of suspect individual sewage or waste disposal systems. Vote 18-0. Rep. Richardson Blair for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E and to town health officers' inspection duties under RSA 128.

Amend the bill by striking out all after section 1 of the bill and inserting in place thereof the following:

2 Definitions. Amend RSA 149-E:2 by inserting after paragraph XII the following new paragraph:

XIII. "Failure" means the condition produced when a subsurface sewage or waste disposal system does not properly contain or treat sewage or causes or threatens to cause the discharge of sewage on the ground surface or into adjacent surface or ground waters.

3 Maintenance and Operation of Subsurface Septic Systems. Amend RSA 149-E by inserting after section 3-a the following new section:

149-E:3-b Maintenance and Operation of Subsurface Septic Systems. Any person who has installed or otherwise acquired a subsurface sewage or waste disposal system installed in accordance with the provisions of this chapter is required to operate and maintain said system in such a manner as to prevent a nuisance or potential health hazard due to failure of the system. Failure to so operate and maintain shall be considered a violation of this chapter and shall be subject to the penalty as provided in RSA 149-E:7, IV. The commission or its duly authorized agents are hereby authorized to enter any and all premises at all reasonable hours for the purpose of inspecting and evaluating the maintenance and operating conditions of subsurface sewage or waste disposal facilities. As circumstances warrant, the commission or its duly authorized agents are hereby empowered to issue compliance orders in writing under the provisions of this section. Nothing in this section shall be construed to limit or modify the authority conferred upon the commission or local health officers under the provisions of RSA 147 or upon local officials certified by the commission under the provisions of RSA 149-E:6.

4 Penalties. Amend RSA 149-E:7 by inserting after paragraph III the following new paragraph:

IV. Any person neglecting or refusing to comply with the provisions of RSA 149-E:3-b shall be subject to a civil forfeiture not to exceed \$1,000 for each day of neglect or refusal after notice as provided for in RSA 149-E:3-b.

5 Duties of Health Officer of a Town.
Amend RSA 128:5 as amended by striking out said section and inserting in place thereof the following:

128:5 Duties; Compensation. The town health officer:

I. Shall enforce the public health laws and rules.

II. Shall make such sanitary investigations as may be directed by the local board of health, or as may be required by the division of public health services.

III. May, upon reasonable information, personal knowledge or belief, in order to safeguard public health or to prevent pollution of any aquifer or body of water, enter upon private property, but not into any living quarters, to investigate and, if necessary, take appropriate action to prevent further pollution.

IV. Shall receive for his services the compensation fixed by the selectmen or the town, except as otherwise provided.

6 Authorized Entry. Amend RSA 128 by inserting after section 5 the following new section:

128:5-a Entry Authorized for Investigation.

I. A health officer of a town or his agent shall not be guilty of criminal trespass pursuant to RSA 635:2 when conducting an investigation of sanitary conditions on private property without the consent of the owner, regardless of whether or not the property is designated a secured premises.

II. The authority to enter private property without the consent of the owner for investigation of sanitary conditions does not include the right to enter into any living quarters situated on private property.

7 Effective Date. This act shall take effect 60 days after its passage.

HB 372, conforming the state pollution laws to federal standards for the purpose of the National Pollutant Discharge Elimination System permit program. Ought to Pass.

This bill brings the state standards for control of pollutant discharge laws in conformance with the federal standards. This will simplify state control of such discharge which is desirable. Vote 17-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, authorizes the Water Supply and Pollution Control Commission to adopt rules governing underground storage tanks for petroleum, and authorizes the Office of Waste Management to adopt rules regarding storage tanks for hazardous substances. Provisions are included for determining liability and for hiring personnel to implement the oil pollution control program. The Committee feels this is an important step in its efforts to protect

ground water quality. Vote 16-1. Rep. Susan Schwartz for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program; relative to rulemaking authority of the office of waste management; and making an appropriation therefor.

Amend RSA 146-A:4 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

146-A:4 Water Supply and Pollution Control Commission. Whenever an oil discharge or spillage occurs which will pollute, or has polluted the public waters of this state, the water supply and pollution control commission shall be notified forthwith and shall assume primary jurisdiction of the cleanup operation. In the interim period before the commission has had an opportunity to assume jurisdiction, the person or persons strictly liable for the discharge or spillage shall undertake immediate measures, in accordance with the rules and policies which the commission is hereby authorized to adopt, so as to minimize the extent of pollution and damage which said discharge or spillage would otherwise cause. Any person strictly liable for the discharge of oil, petroleum products, or their by-products in the manner prohibited by RSA 146-A:3 shall immediately undertake to remove such discharge to the commission's satisfaction. In case the person liable for the discharge shall not remove the product in a satisfactory manner, the commission may undertake the removal of such discharge and may retain agents and contractors for such purposes who shall operate under the direction of the commission. Any unexplained discharge of oil, petroleum products, or their by-products shall be removed by or under the direction of the commission.

Amend section 10 of the bill by striking out same and inserting in place thereof the following:

10 Rulemaking. Amend RSA 147-A:3 by inserting after paragraph XII the following the paragraph:

XIII. Tanks and all associated appurtenances used to store, transfer, or otherwise contain regulated hazardous substances as defined in section 9001 (2)(A) of the Federal Resource Conservation and Recovery Act as amended 1984 and in rules adopted under RSA 147-A:3. Rules regarding such tanks shall include, but are not limited to, tank standards and operating

procedures, registration requirements, compliance schedules, enforcement and inspection, and requirements for closure, financial responsibility, and corrective actions.

11 Effective Date. this act shall take effect July 1, 1985.

Referred to Appropriations.

HB 468-FN, relative to the Smith dam in the town of West Wilton and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels that the State of New Hampshire should not be held responsible for the siltation of the Smith Pond Dam. The Water Resources Board Inspection Program can result in the draining of any number of impoundments annually with the potential of draining anywhere up to 3,000 dam sites over a period of time. The requirement to drain for repairs, or breaching of a dam site, is the option of the owner to meet the Board's Dam Safety Order; and therefore, in meeting its public safety jurisdiction the Committee believes the Water Resources Board should be relieved of any responsibility from actions of this nature. The ownership of any impoundment will result in the situation of that impoundment over time and is one of the responsibilities of owning a dam. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 480-FN, creating the north country development foundation. Ought to Pass. This bill provides an innovative and practical method for promoting public and private sector cooperation in fostering economic growth and revitalization in the three northern counties. Vote 18-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

Referred to Appropriations.

HB 498, relative to the dam maintenance fund and making an appropriation therefor. Ought to Pass with Amendment.

The bill is a recommendation of the Legislative Dam Management Review Committee. The bonding authorized for the repair of dams by the Water Resources Board is increased from \$2,200,000 to \$3,200,000. The amendment allows the Department of Fish and Game flexibility in undertaking certain projects. Vote 17-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

Amendment

Amend RSA 228:4, I(c) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(c) Projects for the department of fish and game and for the department of resources and economic

development whose estimated cost is more than \$10,000 but not more than \$75,000. Such projects may be done on a force account basis upon recommendation of the commissioner that such procedure is in the best interest of the state, and with the approval of the governor and council.

Referred to Appropriations.

HB 521, relative to the powers of the public utilities commission. Ought to Pass with Amendment.

The bill provides that the Public Utilities Commission obtain the approval of the Water Supply and Pollution Control Commission and Water Resources Board with regard to suitability and availability of the proposed water source of an applicant's proposed water utility. Vote 17-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

Amendment

Amend RSA 377:22, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. No water company shall obtain the permission or approval of the commission to operate as a public utility without first satisfying any requirements of the water supply and pollution control commission and the water resources board concerning the suitability and availability of water for the applicant's proposed water utility.

HB1 2002, relating to the problems caused by OHRVs, snow traveling vehicles and all terrain vehicles. Refer for Interim Study.

While many laws regulating OHRVs and the ATVs already exist, problems continue to arise. The Committee believes that a study of the subject is needed, particularly concerning the establishment of trail facilities in State Parks and Forests. Currently, the State collects a considerable sum from registration fees, but provides little access to State land. Vote 17-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB1 2010, relating to enhancing the potential of New Hampshire's rivers. Refer for Interim Study.

The sponsor believes that one of the state's greatest natural resources, namely its rivers, are not being utilized to their maximum recreational potential, and it is believed that the General Court should take any action it deems to be appropriate to enhance this potential. Vote 14-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 332, removing the liquor commission and the department of employment security from the exception to the data processing authority of the director of information services. Refer for Interim Study.

The Committee determined that this bill needed further study. Vote 10-0. Rep. Roger Easton for Science and Technology.

HB 472-FN, establishing a division of information technology and planning within the department of administrative services and making an appropriation therefor. Refer for Interim Study.

The Committee determined that this bill required further study. Vote 10-0. Rep. Roger L. Easton for Science and Technology.

HB 473-FN, establishing a fund for data processing projects and making an appropriation therefor. Refer for Interim Study.

The Committee determined that this bill needed further study. Vote 11-0. Rep. Roger Easton for Science and Technology.

HB 474-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. Refer for Interim Study.

The Committee determined that this bill needed further study. Vote 11-0. Rep. Roger Easton for Science and Technology.

HB 475-FN, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor. Refer for Interim Study.

The Committee determined that this bill needed further study. Vote 11-0. Rep. Roger Easton for Science and Technology.

HBI 2004, relating to procurement of computer equipment by the state and its political subdivisions. Refer for Interim Study.

The Committee determined that this bill needed further study. Vote 11-0. Rep. Roger Easton for Science and Technology.

HB 506, relative to building second residential dwelling units in single family homes. Inexpedient to Legislate.

The Committee feels that the bill would not address the problem it was intended for. This bill would take away the Planning and Zoning Board's power in many cases of residential housing that would create many problems around the State. Vote 13-0. Rep. Ronald R. Laurion for State Institutions and Housing.

HB 537, relative to rent increases in manufactured housing parks. Inexpedient to Legislate.

At this time the Committee has two other bills dealing with the same concerns as separate bills. It was the unanimous vote of the Subcommittee and the Committee that this bill is not the right vehicle to use for these concerns. Vote 14-0. Rep. Ronald R. Laurion for State Institutions and Housing.

HB 546, providing manufactured housing tenants with a limited right to purchase the park and changing eviction notice requirement. Refer for Interim Study.

This bill was unanimously voted for Interim Study for 2 reasons. (1) The Senate has passed SB 69, as amended, which addresses part 2 of this bill dealing with an 18-month notice which must be given to all manufactured housing park tenants in the event there is to be a condemnation or change of use of the park. The Committee on State Institutions and Housing, as well as representatives of tenants groups and mobile home park owners, unanimously support this portion of the legislation and will use SB 69, as amended, as a vehicle to urge the passage in the House. (2) Part 1 of HB 546, however, created much controversy as it relates to tenants right to purchase their mobile home park, consequently, it was the consensus that more time and study is needed to address this issue. Vote 14-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

HB 596, relative to restoring the old state house at Strawberry Banke. Ought to Pass.

This bill makes possible the ongoing study of restoration of the Old State House. The Speaker appointed an interim committee last summer. A search for federal funds is ongoing and it is hoped that the Old State House could become a centerpiece for the celebration of the 200th Anniversary of our Constitution. Vote 14-0. Rep. Sara M. Townsend for State Institutions and Housing.

HB 217, relative to the use or nonuse of seat belts. Refer for Interim Study.

Other bills are being submitted on the subject of seat belt use. Until the content of these bills are studied it is impossible to make an intelligent decision on the ramifications of prohibiting any evidence about the use or nonuse of seat belts in a court of law. Vote 13-0. Rep. Roger Stewart for Transportation.

HB 252-FN, requiring school buses used in the state which are manufactured after January 1, 1986, to be equipped with seat belts and with seat backs elevated to 28 inches. Inexpedient to Legislate.

After careful consideration, the Committee unanimously feels that mandating seat belts in school buses would create more problems than they would solve. Presently, there is local option for school boards to require installation and use of seat belts. Vote 14-0. Rep. John Hoar, Jr. for Transportation.

HB 253, relative to the Cooperative Alliance for Seacoast Transportations. Ought to Pass.

COAST is the coordinated public transportation system serving the seacoast urbanized area. This bill has

the support of the New Hampshire Department of Public Works and Highways. The Committee recommended, and COAST concurred, that a member of the Public Utilities Commission should become a voting member. Vote 14-0. Rep. Robert L. Whiting for Transportation.

HB 266, authorizing the department of safety to join the international registration plan. Refer for Interim Study. There was not sufficient information available to make a decision on this bill at this time. The Department of Safety has indicated that more information will be available by this summer. Due to the broad implications of adopting this bill the Committee wished to be sure that it had all the facts before any course of action was recommended. Vote 14-0. Rep. Stephen Sloan for Transportation.

HB 292-FN, extending the aviation fuel toll to jet fuels and other fuels. Refer for Interim Study. This bill has merit because the need for funds to be used for the purposes outlined does indeed exist. However, testimony indicated that the immediate present is probably not the best time to make changes. There are several more areas to be explored before a final determination can be made. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

HB 293, relative to the aeronautical fund. Ought to Pass with Amendment. This bill changes the use of revenue derived from the airway tolls from one-half being used for the establishment and maintenance of our air navigation facilities and one-half to be used for repayment of bonds or notes to having the monies paid out, as appropriated in accordance with the budget law, as recommended by the Aeronautics Commission. Also, one-fourth of the revenue from the aircraft operating fee from an airport shall be paid directly to that airport fund. The Committee feels this redistribution of the monies is in the best interest of aviation in New Hampshire. Vote 14-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 New Subparagraph. Amend RSA 6:12, I by inserting after subparagraph (t) the following new subparagraph:

(u) Moneys, fees, fines, and airway tolls collected under RSA 422, which shall be credited to the aeronautical fund.

3 Repeal. 1961, 261:7 and 1965, 24:1, relative to disposition of revenue from aircraft operating fees, are hereby repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 294, relative to the Nashua airport authority. Ought to Pass.

Testimony on this bill indicated that there is often need for cash flow money because receipt of amounts due the Authority are delayed. There are also plans being studied for expansion in the near future and the present bonding allowance will not be adequate. Vote 13-0. Rep. Roland M. Turgeon for Transportation.

HB 496-FN, relative to special number plates for nonprofit organizations serving the mentally impaired. Ought to Pass. The purpose of this bill is to authorize a permanent plate to nonprofit organizations serving the mentally impaired. There are nine of this type of organization. An important part of their program is the transporting of their patients to the facility of the organization for treatment. This bill provides an aid to these organizations by using the money saved on registrations to be spent on services. Vote 12-1. Rep. Roger Stewart for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 234, relative to public utility rate increases. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The proposed statute basically doesn't change the permitted actions of the Public Utility Commission. Present law allows the Commission to consider some factors concerning prudence or imprudence of utility actions. The rate determining process would be adversely affected by proposed legislation resulting in an unduly complicated longer time process. Vote 12-4. Rep. Frederic A. Foss for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill simply states that any utility whose final project cost is 200% of original estimate is presumed to have managed imprudently. If this utility can show that it, in fact acted prudently or increases were due to factors beyond its control, all expenses may be included in the base. (Reps. Joseph Diamant, Lucille T. Wood, Elizabeth Crory and Tom Longworth for the Minority.)

Rep. Diamant moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Frederic Foss and Allgeyer spoke against the motion and yielded to questions. Reps. Schwartz and Arnott spoke in favor of the motion.

Reps. Palumbo and Quimby spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Schwartz requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 145 NAYS 202
YEAS 145

BELKNAP: Bolduc, Bowler, Dexter, Golden, Pearson and James J. White.

CARROLL: Dickinson and Schofield.

CHESHIRE: Arnott, Burley, Delano, Daniel Eaton, Matson, Ramsay, Ridge, William Riley, Russell, Schwartz, Secord, William Sullivan and Young.

COOS: Chardon, Coulombe, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Chambers, Copenhaver, Crory, Densmore, Easton, Hutchings, Wayne King, Scanlan and Stewart.

HILLSBOROUGH: Arris, Barry, Lionel Boucher, Bourque, Burkush, Charron, Ducharme, Dupont, Dwyer, Dykstra, Fried, Gagnon, Marian Harrington, Hendrick, Chris Jacobson, Jasper, George Jones, Lozeau, McGlynn, Messier, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Fellow, Perham, Pressly, Raiche, Reardon, Ellen-Ann Robinson, B. P. Smith, Leonard Smith, Mary Sullivan, Vanderlosk, Wagner, Winn, Lucille Wood and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Cailler, Cate, James Chandler, Alf Jacobson, Jelley, Kinhan, Lewis, Pannell, Rehlander, Gerald R. Smith and Wannell.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, William Boucher, Butler, Case, Lawrence Chase, Connors, Conroy, Bert Ford, Thomas Gage, Courdeau, Haynes, Hoar, Hollingworth, Krasker, Malcolm, McCain, McKinney, Newman, Pantelakos, Parr, Pevear, Popov, Norman Rogers, Rosencrantz, Sanderson, Schwaner, Sherburne, Splaine, Titone and Vaughn.

STRAFFORD: Bryant, Burton, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frew, Robert Jones, Keans, Laurion, Musler, O'Brien, Bruce Packard, Pelley and Henry Sullivan.

SULLIVAN: Call, D'Amante, Domini, Paul Johnson, McKee and Normandin.

NAYS 202

BELKNAP: Birch, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Crane, Davis, Frink, Irvin Gordon, Grodin, Elmer Johnson, Morse, Parker, Perry, Scranton and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Frederic Foss, Guay, Horton, Marsh and York.

GRAFTON: Bean, Blair, Christy, Driscoll, Duggan, Mann, McAvoy, Rounds, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Beaupre, Blais, Robert Blanchette, Boisvert, Bourdon, Boutwell, Bridgewater, Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cox, Crotty, Duperron, Durant, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Scott Green, Grip, Healy, Herod, Hogan, Holden, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Martin, Howard Mason, Elizabeth Moore, Note, Norman Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Prestipino, Frances Riley, Sallada, Shriver, Steiner, Stonner, Sylvia, Tamposi, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Worthen.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Connolly, Daniell, Fraser, Gilbreth, George Gordon, Hager, Mary Holmes, C. William Johnson, Kidder, Arthur Locke, Millard, Pantzer, Phelps, Doris Riley, Linwood Rogers, Savaria, Shepard, Stio, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Burdick, Marilyn Campbell, Clay, Day, Ellyson, Emanuelson, Felch, Flanagan, Goss, Elizabeth Greene, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Magoon, Nagel, Newell, Palumbo, Quimby, Raynowska, Romoli, Scamman, Seward, Skinner, Sloan, Sochalski, Stachowske, Sytek, Tufts, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callahan, Patricia Foss, Frechette, Kincaid, Lussier, Meader, Parks, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Disnard, Lindblade, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 345, relative to 4 year terms for the secretary of state and the state treasurer. Ought to Pass with Amendment.

No one opposed this bill and the Committee believes it will benefit efficient administration and over a period of years would make the jobs more attractive to potential good applicants. Vote 9-1. Rep. Joseph M. Eaton for Constitutional and Statutory Revision.

Amendment

Amend RSA 14:2-b as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

14:2-b Organizational Convening.
Pursuant to the constitution, the general court shall assemble biennially on the first Wednesday of December for organizational purposes. At such assembly, after each biennial election, the senate and the house shall take the oath of office. They shall quadrennially elect the secretary of state and the state treasurer. The election of the secretary of state or of the state treasurer shall be conducted by secret ballots, if more than one person is nominated for election to such position. At any such biennial assembly, the senate and the house shall elect such officers and employees, adopt such organizational procedures and rules and perform such other organizational business as they deem necessary.

Amendment adopted.

Ordered to third reading.

HB 197-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. Ought to Pass with Amendment.

The purpose of HB 197 is to help the state's public school system attract and retain good teachers. The bill attempts to increase the retention of beginning teachers by providing individual support and assistance from experienced teachers who serve as mentors. It also provides an incentive for teachers and other qualified staff to participate in projects designed to improve school effectiveness. The bill creates a commission to establish guidelines for a mentor teacher pilot project and grant pilot project, and funds the pilot projects for FY 87. The commission will report on the effectiveness of the pilot projects and make recommendations about their continuation. Vote 12-4. Rep. Betty Jo Taffe for Education.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose. The purpose of this act is to help the state's public school system attract and retain good teachers. The state recognizes that some of our most talented and experienced teachers are leaving the teaching profession because of low pay, lack of public esteem, poor working conditions and a general sense that teaching is no longer a rewarding occupation. It is the intent of this act to increase the retention and effectiveness of beginning teachers by providing individual support and assistance during their first 2 years of teaching and by encouraging and recognizing those with outstanding potential for teaching. It is the further intent of this act to provide a basis for the

recognition and professional growth of experienced teachers through a process of local selection and appointment as teacher mentors. Finally, it is the intent of this act to provide incentive and funding for qualified staff members of the public school system to participate in innovative projects or activities designed to increase school effectiveness.

2 Teacher Mentor Pilot Program and Grant Pilot Program Established. There is hereby established the teacher mentor pilot program and grant pilot program. The pilot program shall continue only for a 2 year period, unless subsequently renewed by the legislature. The first year of the program shall be for the purposes of planning and making application for the funds. The second year of the program shall commence the implementation of the teacher mentor and grant program as directed by this act. The teacher mentor and grant program shall be administered by the department of education.

3 Teacher Mentor Program.

I. The teacher mentor program shall be a voluntary program and shall be open to all teachers who have at least 3 years' experience teaching in a public school and who are employed in a school district, the school board of which has voted to participate in the teacher mentor program. A teacher who is selected to be a mentor teacher shall serve as a mentor for a beginning teacher for a period of one year. The number of mentor teachers shall be limited to 100 during the pilot program.

II. Each mentor teacher shall be paid a yearly stipend of \$1,500 in addition to his regular salary. This stipend shall not be counted as salary or wages for purposes of calculating employer contribution rates or employee benefits under the state teachers' retirement system.

III. The subject of participation by a school district or an individual certified classroom teacher in the mentor teacher program established by this act shall not be included within the scope of representation in collective bargaining among a public school employer and eligible employee organizations.

4 Payment to School District. Each participating district or school administrative unit shall receive a yearly payment equal to 1/2 of the stipend paid to each mentor teacher employed. This amount shall be used exclusively for necessary administrative costs incurred by participation in the mentor program and for the training of mentors.

5 Grant Program.

I. The grant program shall be open to any full-time teacher or other certified full-time staff member of a public school within the state. Any qualified teacher or staff member may apply to receive funds for the purpose of conducting a project which would contribute to the effectiveness of the school at which he is employed. The grant program shall be limited to 50 grant recipients during the pilot program.

II. The grants distributed to a local school district shall be used exclusively to pay participating staff members for work performed under the program. A grant recipient shall be paid up

to a total of \$1,500 yearly at a rate which is mutually acceptable to the recipient and to the local school board. This amount shall not be counted as salary or wages for purposes of calculating employer contribution rates or employee benefits under the state teachers' retirement system.

6 Commission Established; Members; Meetings.

I. There is hereby established the teacher mentor and grant program commission to be composed of the following 9 members:

(a) 7 members to be appointed by the commissioner of education:

(1) One person who holds a valid experienced educator certificate and is currently employed in a full-time teaching position in a public elementary school in the state;

(2) One person who holds a valid experienced educator certificate and is currently employed in a full-time teaching position in a public secondary school in the state;

(3) One person who is either a public school principal or a superintendent of schools within the state;

(4) One person who is either a member of the faculty or the administration of a postsecondary institution within the state;

(5) One parent of a public school student in the state;

(6) One person employed by the state department of education whose employment duties are in the area of public education; and

(7) One person who is a member of the state board of education.

(b) One member of the education committee of the house of representatives who shall be appointed by the speaker of the house;

(c) One member of the education committee of the senate who shall be appointed by the senate president.

II. The commission shall choose a chairman from among its members and shall meet at least monthly and more often if deemed necessary by the chairman. Five persons shall constitute a quorum. Any decisions of the commission shall be made by a majority of those present and voting.

7 Duties of Commission. The commission shall have the following duties:

I. To develop criteria for the selection of a representative sample of school districts for participation in the teacher mentor and grant programs. Such criteria shall include but not be limited to the following:

(a) the average daily student population of the school district;

(b) the number of certified full-time teachers working in the school district; and

(c) the geographic location of the school district.

II. To develop criteria to guide local selection committees in evaluating and selecting mentor teachers. These criteria and guidelines shall include, but not be limited to, the following:

(a) Mentor teachers shall be nominated by a local selection committee. A majority of the membership of the local

selection committee shall be certified classroom teachers who shall be elected by other certified classroom teachers within their school district. Each selection committee shall include at least one building principal designated by the superintendent of schools. However, mentors shall not be judged for the mentor program on the basis of independent principal evaluations. The membership of the committee may include parents, pupils, or other public representatives. The final designation of any person as a mentor teacher shall be by the school board of the district in which the teacher is employed.

(b) Candidates for the position of mentor teacher shall meet the following requirements:

(1) Hold a valid experienced educator certificate and be currently employed in a full-time teaching position in the state;

(2) Have demonstrated exemplary teaching ability as determined by the local selection committee; and

(3) Agree to serve as a mentor for one school year.

(c) The mentor teacher shall not be the beginning teacher's immediate supervisor and shall not participate in the evaluation of the beginning teacher or of any other teacher.

(d) The percentage of time each teacher is to spend in the performance of his duties as a mentor teacher shall be by mutual agreement between the teacher and the school board. However, in no case shall a mentor teacher spend less than 60 percent of his time in classroom instruction.

III. To develop and implement a training program for mentor teachers in preparing them to fulfill their roles as trainers of other teachers.

IV. To develop criteria for the selection and appointment of grant recipients which shall include, but not be limited to, the following:

(a) Any full-time certified staff member other than a mentor teacher or school administrator shall be eligible to be a grant recipient.

(b) Participation as a grant recipient shall be voluntary and the time devoted to activities approved under the program shall be in addition to the staff member's regular assignment.

(c) An individual staff member or a group of staff members wishing to participate in the grant program shall make application to the building principal identifying the objectives, procedures, and required resources of the innovative program or special project designed to improve school effectiveness. The building principal may suggest projects for consideration by the school staff in completing the application process.

(d) Grant recipients shall be nominated by the building principal with appointment by the superintendent of schools after approval by the school board, for the purpose of developing innovative programs or special projects designed to improve some aspect of school effectiveness. Grants shall be available to recipients to restructure curricula, design in-service

training or contribute in other ways to school improvement efforts. Such funds may be used to compensate participating staff members for approved summer activities. The subject of participation by a school district or an individual staff member as a grant recipient shall not be included within the scope of representation in collective bargaining among a public school employer and eligible employee organizations.

V. To provide technical assistance to participating school districts in establishing and evaluating the teacher mentor and grant program.

VI. To develop reimbursement mechanisms for eligible mentors, grant recipients, and participating districts.

VII. To develop a method for the replacement of a mentor teacher or grant recipient who is unable to complete the mentor period or the grant project.

VIII. To evaluate and make a preliminary report by February 1, 1987, and a final report by June 1, 1987, to the legislature. The reports shall include the strengths and weaknesses of the teacher mentor and grant program and shall make recommendations for improvements in the program.

IX. To perform any other duties and provide any other assistance which may be necessary to ensure the successful operation of the teacher mentor and grant pilot program.

8 Appropriation. The sum of \$29,700 for the fiscal year ending June 30, 1986, and the sum of \$300,000 for the fiscal year ending June 30, 1987, are hereby appropriated to the department of education for the purposes of administering the teacher mentor and grant program established by this act. The funds appropriated for the fiscal year ending June 30, 1986, shall not lapse until June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Repeal. Sections 1-7 of this act, relative to the teacher mentor and grant program, are hereby repealed.

10 Effective Date.

I. Section 9 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect July 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees. Ought to Pass.

The legislation solves some problems in the functioning of the siting committees. Vote 16-0. Rep. Roberta C. Pevear for Environment and Agriculture.

Ordered to third reading.

HB 422-FN, relative to the training of dogs. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: By a vote of 12-6 the Committee supports this bill, as amended. The majority feels that this allows a period of 45 days at a time of year when most wildlife species are being born to become acclimated to the wilds before they are subjected to interference in their natural habitat by dogs being trained for hunting. Rep. Lester R. Perham for the Majority of Fish and Game.

MINORITY: The minority feels that the small group of dog trainers are being penalized and also being tagged as the bad guys. No need for this bill. (Reps. Romeo J. Theriault and Robert J. Brodeur for the Minority.)

Amendment

Amend RSA 207:12-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person who is licensed to hunt within the state shall be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, and turkey, upon application and the payment of a fee of \$5. No training permits shall be valid for the period of May 15 to June 30, except that holders of a training permit may train dogs upon land owned or leased by the permittee, or upon land for which the permittee has written permission of the landowner during this period. Such written permission shall be carried on the permittee's person while training. Training conducted pursuant to this exception shall be permitted only on wildlife legally possessed by the permittee and if released, such releasing shall be in accordance with RSA 207:14 and 207:14-a. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Reciprocity of Training Dogs. Amend RSA 207 by inserting after section 12-a the following new section:

207:12-b Reciprocity of Dog Training. Notwithstanding the provisions of RSA 207:12-a, a nonresident shall not be permitted to train dogs upon any wildlife in this jurisdiction during the period that such training is prohibited in the nonresident's state or province of residence.

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Theriault moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. Perham spoke against the motion and yielded to questions.

Reps. Doris Riley and Clancy spoke against the motion.

Rep. Scanlan spoke in favor of the motion.

A division was requested.

50 members having voted in the affirmative and 217 in the negative, the motion lost.

Question now being on the Majority amendment.

Reps. Felch, Doris Riley and Rounds spoke against the amendment.

Amendment lost.

Rep. Felch offered an amendment.

Amendment

Amend RSA 207:12-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person who is licensed to hunt within the state shall be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, and turkey, upon application and the payment of a fee of \$5. No training permits shall be valid for the period of May 1 to June 30, to train bear dogs, except that holders of a training permit may train dogs upon land owned or leased by the permittee, or upon land for which the permittee has written permission of the landowner during this period. Such written permission shall be carried on the permittee's person while training. Training conducted pursuant to this exception shall be permitted only on wildlife legally possessed by the permittee and if released, such releasing shall be in accordance with RSA 207:14 and 207:14-a. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

The Clerk read the amendment.

Rep. Felch explained the amendment.

Rep. Doris Riley spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 306-FN, prohibiting state funding of direct abortions. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt that present rules regarding the funding of abortions are adequate. Only one medicaid funded abortion has taken place in New Hampshire since 1980. Vote 19-2. Rep. Robert M. Gilbreth for the Majority of Health and Human Services. MINORITY: More than 200 citizens attended the public hearing on this bill. Fifty-four testified in favor and 24 against. A Channel 9 poll on the issue showed 54 in favor and 46 against. Numerous letters and phone calls to Committee members strongly favored the bill. The question is "To whom do we listen?" (Rep. Margaret D. Roberts for the Minority.)

Rep. Locke moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Gilbreth, Scott Green, Wagner and Sochalski spoke against the motion.

Rep. Barberia spoke in favor of the motion and yielded to questions.

Rep. Schwaner spoke in favor of the motion.

Rep. Daniel Eaton moved that HB 306 be laid upon the table.

Rep. Barberia requested a roll call. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 279 NAYS 74

YEAS 279

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Arnott, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Leslie Burns, Carragher, Champagne, Charron, Clancy, Cox, Crotty, Ducharme, Durant, Dwyer, Dykstra, Clyde Eaton, Fields, Nancy Ford, Scott Green, Grip, Marian Harrington, Hendrick, Herod, Holden, Hyman, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Lamy, Levesque, Lown, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Norman Packard, Pappas, Fellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Turgeon, Van Loan, Varkas, Wagner, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whittemore, Winn and Lucille Wood.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Caillier, Cate, James Chandler, Connolly, Fraser, Gilbreth, Hager, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Linwood Rogers, Savaria, Gerald R. Smith, Stio, Wallner and West.

ROCKINGHAM: Ames, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Day, Emanuelson,

Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Nagel, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Titone, Vaughn, Wells and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Burton, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frew, Robert Jones, Keans, Laurion, Meader, Musler, O'Brien, Bruce Packard, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, Disnard, Domini, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 74

BELKNAP: Bolduc, Dexter, Golden, Jensen, Matthew Locke and James J. White.

CARROLL: Gene Chandler, Russell Chase, Olimpio, Powers and Schofield.

CHESHIRE: Elmer Johnson and Ridge.

COOS: Guay and Horton.

CRAFTON: Christy, Duggan and Howard Townsend.

HILLSBOROUGH: Beupre, Blais, Robert Blanchette, John Burns, Chretien, Cote, Duperron, Joseph Eaton, Fried, Gagnon, Healy, Hogan, Chris Jacobson, Labombarde, Lozeau, Martin, Howard Mason, Bonnie Packard, Paquette, Pariseau, Parmenter, B. P. Smith, Mary Sullivan, Sylvia, Tamposi, Vanderlosk, Emma Wheeler, Worthen and Zis.

MERRIMACK: Barberia, Bardsley, Daniell, George Gordon, Arthur Locke, Shepard and James Whittemore.

ROCKINGHAM: Bangs, Benton, Conroy, Ellyson, Phyllis Katsakiores, Newman, Rosencrantz, Sanderson, Schwaner, Seward, Sytek, Tufts, Warburton and Welch.

STRAFFORD: Callahan, Frechette, Kincaid, Lussier and Parks.

SULLIVAN: D'Amante, and the motion was adopted.

Rep. Bourdon notified the Clerk that she inadvertently voted yea and meant to vote nay.

HB 306 was laid upon the table.

HB 415-FN, making an appropriation for an adult dental program for AFDC recipients. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Health and Human Services Committee, while recognizing the importance of dental health, felt Medicaid funding would be better utilized in more critical areas. Vote 15-4. Rep. Lynn J. Joslyn for the Majority of Health and Human Services. MINORITY: The minority of the Committee feels that HB 415 ought to pass. The reason is that lack of dental care generates far more expense to state, county, and local government than the monies appropriated for the bill. (Rep. Scott E. Green for the Minority.)

Resolution adopted.

HB 325, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. Refer for Interim Study.

The sponsor of the bill felt that the bill should go to interim study, as this area will need future consideration and improvements. Vote 15-0. Rep. Gene G. Chandler for Public Works.

Rep. Bibbo explained the Committee report.

HB 325 was referred for Interim Study.

HB 488, authorizing construction of the Franklin-Laconia bypass and bridge on Route 11 between Franklin and Tilton and making an appropriation therefor. Ought to Pass with Amendment.

Committee vote was 22-0 strongly supporting the construction of the second bridge in Franklin and joining up with Route 127. This will now be undertaken with the highest priority and dispatch. In addition, this policy position in no measure influences any previous state position. Rep. James J. White for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing construction of the proposed bridge over the Pemigewasset river in the city of Franklin, up to Route 127.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Priority Construction Authorized. The commissioner of public works and highways is authorized and directed to give priority to the construction of the proposed bridge over the Pemigewasset river in the city of Franklin, up to Route 127.

2 Appropriation. The sum of \$6,700,000 is hereby appropriated to the department of public works and highways to be expended for the purposes of section 1 of this act. This appropriation shall be reduced by the amount of any federal funds made available. This

appropriation shall be in addition to any other appropriation for the department of public works and highways.

3 Bond Issue Authorized. To provide funds for the purpose of section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$6,700,000, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The moneys provided in this section shall not lapse.

4 Condition. Sections 1, 2, and 3 of this act shall take effect only to the extent that the pending litigation in the courts does not either involve or restrict the authorization in section 1 of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Bibbo explained the Committee report and yielded to questions.

Referred to Appropriations.

HB 327, relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor. Ought to Pass with Amendment.

The Committee strongly supports resolution of traffic conditions in 2 tourist dependent regions. Voting was 21-0 and the Committee feels road problems in the central and northern areas must be considered, then properly and economically planned. Rep. James J. White for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the Laconia by-pass in the town of Gilford and the by-pass around the town of Conway and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$4,000,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the construction of ramps to directly serve Route 11 from the Laconia by-pass in the town of Gilford. This appropriation shall be in addition to any other appropriation for the department of public works and highways for the biennium and shall be non-lapsing. This appropriation shall be reduced by any federal funds made available.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not

exceeding the sum of \$4,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. The payment of principal and interest on the \$4,000,000 of the bonds and notes issued for the project in section 2 of this act shall be made when due from the highway fund.

4 Appropriation. The sum of \$900,000 is hereby appropriated to the department of public works and highways for the purpose of preparing a preliminary environmental impact statement, preliminary plans suitable for a public hearing, and the final environmental impact statement for the construction of a by-pass around the town of Conway. This appropriation is in addition to any other appropriation for the department of public works and highways for the biennium ending June 30, 1987, and shall be nonlapsing. This appropriation shall be reduced by any federal funds that may be made available for this project.

5 Bonds. To provide funds for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$900,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Payments. The payment of principal and interest on the \$900,000 of the bonds and notes issued for the project in section 5 of this act shall be made when due from the highway fund.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 438-FN, relative to Route 16 from the town of Gorham to the town of Glen and making an appropriation therefor. Ought to Pass with Amendment.

This bill authorizes the Department of Public Works and Highways to conduct a study of Route 16, from Glen to Route 2 in Gorham; specifically areas along the road needing upgrading to facilitate through traffic in a safe and expedient manner. Vote 21-1. Rep. Gene G. Chandler for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$25,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the purpose of conducting a feasibility study of bringing Route 16 from Route 2 in the town of Gorham to Route 302 in the town of Glen. The department may employ consulting engineers to conduct this study within the limitations of this appropriation. This appropriation is in addition to any other appropriation for the department of public works and

highways and shall be a charge against the highway fund.

Amendment adopted.

Referred to Appropriations.

HB 391, establishing an east-west toll road from Route I-393 in Concord to the Spaulding Turnpike in Dover and making an appropriation therefor. Ought to Pass with Amendment.

This is a long range plan. As amended, this Committee's vote 21-1, strongly supports local input in considering major highway construction and planning in the 20th century. Rep. Lorine Walter for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation.

I. The sum of \$15,000,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, to be expended as follows for a 4 lane east-west toll road turnpike from Route I-393 in Concord to the Spaulding Turnpike in Dover:

(a) \$12,000,000 for design engineering.

(b) \$3,000,000 for land acquisition.

II. This shall be a nonlapsing appropriation and in addition to any other appropriation for the department of public works and highways for the biennium.

III. The funds appropriated in paragraph I shall be expended only after an environmental impact study has been completed, public hearings have been held in the towns affected and the route has been laid out by governor and council pursuant to RSA 230:14 and RSA 230:45. This route shall not be restricted by the recommendations contained in the report by Wilbur Smith made in 1984.

Amendment adopted.

Referred to Appropriations.

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester. Ought to Pass with Amendment.

The Committee is of the opinion that a south bound ramp at Granite Street in Manchester is a requirement, but that the city should support the cost of the Turner Street - Second Street connector. The funding was established at 1.5 million to design and build the approach and/or ramp only. Vote 21-0. Rep. Robert E. Murphy for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Additional Appropriation. Amend 1983, 423:27 by striking out said section and inserting in place thereof the following:

423:27 Appropriation. The sum of \$3,000,000 is hereby appropriated to the department of public works and highways for the design, engineering and construction only of a south bound return ramp at Granite Street in the city of Manchester. This appropriation is in addition to any other appropriation for the department of public works and highways for the biennium ending June 30, 1985, and shall be nonlapsing. The appropriation shall be made from the central New Hampshire turnpike sinking fund.

Amendment adopted.

Referred to Appropriations.

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

House Bill 90, in the 1983 Session (Chapter 76), authorized the construction of the industrial interchange on the Everett Turnpike in Merrimack and appropriated \$6,500,000. House Bill 264 increases the appropriation by 14.45 million dollars. Reasons for the increase include (1) the removal and disposal of a million yards of rock, (2) most recent traffic counts making it necessary to enlarge the scope of the project. Vote 14-0. Rep. James A. Chandler for Public Works.

Referred to Appropriations.

HB 436-FN, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor. Ought to Pass with Amendment.

The Committee agreed with sponsor, traffic congestion warrants immediate attention and corrections. Vote 21-1. Rep. William K. Kincaid for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$50,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the purpose of making any necessary study and preparing engineering plans to construct a cloverleaf intersection at exit 9 on the Spaulding turnpike and the connector road from the Spaulding turnpike to the traffic circle. This appropriation is in addition to any other appropriation for the department of public works and highways for the biennium and shall be a charge against the eastern turnpike sinking fund.

Amendment adopted.

Referred to Appropriations.

HB 437-FN, relative to an engineering study of the intersection of Route 9 and

Route 155 and making an appropriation therefor. Ought to Pass with Amendment.

This bill would solve the traffic problems of a very dangerous traffic area. Excessive industrial park traffic is brought to a complete stop by traffic lights. Vote 21-1. Rep. Norman Rogers for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$50,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the purpose of conducting an engineering study and preparing the necessary plans to correct the traffic congestion problem at the intersection of Route 9 and Route 155. This appropriation is in addition to any other appropriation for the department of public works and highways for the biennium and shall be a charge against the highway fund.

Amendment adopted.

Referred to Appropriations.

HB 259-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt with the uncertain availability of Federal Funds and the time that this project has been already delayed, that it was important to insure the study for this project move forward without delay. Federal matching funds have already been applied for and those funds, when they become available, will be applied to this project and reduce the overall state costs. Vote 14-0. Rep. Charles M. Nute for Public Works.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sum of \$100,000 is hereby appropriated to the department of public works and highways, for a comprehensive evaluation of the land use and traffic problems on state Route 101A between the F.E. Everett turnpike and the Route 101 interchange at the Milford bypass. The evaluation shall consider a comprehensive improvement program for the highway including a consideration of alternative corridors. The connection of the new Route 101A bypass shall be coterminous with the northern connection of the circumferential highway around the city of Nashua. The department may accept any federal funds that may be available for this project, and this appropriation shall be reduced by the amount of any federal funds made available. The sum hereby appropriated shall be made from the highway fund.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect October 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike. Ought to Pass.

This bill increases the appropriation from \$19,500,000 to \$32,900,000 for the construction and improvements to be made to the central New Hampshire turnpike in the Nashua, Merrimack, Bedford area, as authorized by HB 310 by the 1983 session of the General Court. Vote 18-0. Rep. Chris Jacobson for Public Works.

Referred to Appropriations.

HB 544, relative to water improvement bonds issued by the city of Rochester. Ought to Pass.

Committee felt this bill would be of considerable help to local community involved. This is precedent setting. The Committee wants to deal with these matters on an individual basis in order to maintain control. Vote 14-0. Rep. Charles M. Nute for Public Works.

Rep. Bibbo yielded to questions. Ordered to third reading.

HB 215-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. Ought to Pass with Amendment.

Semi-annual inspections on older vehicles are important for safety reasons. The amendment allows new vehicles from 12 to 18 months before the first inspection is required. The amendment also eliminates the possibility of a motorist being required to have more than two inspections in a twelve month period. Further, the amendment requires a list of the equipment checked be supplied to the motorist. Therefore, the amendment addresses most of the complaints with semi-annual inspections which were raised by the proponents of annual inspections. Vote 14-0. Rep. Stephen Sloan for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing for annual inspections for new motor vehicles and semi-annual inspections for other motor vehicles and providing additional requirements for official motor vehicle inspection stations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Definition; New Motor Vehicle.
Amend RSA 259 by inserting after section 66 the following new section:

RSA 259:66-a New Motor Vehicles. "New motor vehicle" shall mean a new motor vehicle as defined in RSA 357-C:1, XV.

2 Vehicle Inspections. Amend RSA 266:1, 11-V as inserted by 1981, 146:1 by striking out said paragraphs and inserting in place thereof the following:

II. All vehicles, except OHRV's, snow traveling vehicles, and mopeds, registered under this title shall be inspected every 6 months with the first such inspection being required during the month in which the birth date of the owner is observed, if the owner is a natural person, or 6 months prior thereto, whichever is earlier, except that motorcycles and antique cars shall be inspected once a year during the month designated by the director.

III. If the owner is a company or corporation or other than a natural person, the first inspection shall be made during the month designated by the director as the registration month for such person, or 6 months prior thereto, whichever is earlier, and the second inspection shall be made 6 months hence, except that motorcycles and antique cars shall be inspected once a year during the month designated by the director.

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than OHRV's, snow traveling vehicles and mopeds, and vehicles, other than OHRV's, snow traveling vehicles and mopeds, the ownership of which has been transferred shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle.

V. Notwithstanding paragraphs II-IV, the director pursuant to RSA 260:5 shall provide by rule effective no later than April 1, 1986, a system of inspection whereby a new motor vehicle shall not be inspected until at least the twelfth month, but no later than the eighteenth month, after the month in which the vehicle was newly registered and that the vehicle shall then be inspected every 6 months thereafter.

VI. Notwithstanding the provisions of paragraph IV, the director by rule adopted pursuant to RSA 260:5 and effective no later than April 1, 1986, shall provide a system of inspection whereby newly registered vehicles other than new vehicles, OHRV's, snow traveling vehicles, and mopeds shall not be required to be inspected more than twice in any 12 month period.

VII. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by him, and may at any time revoke such authorization or designation; provided, however, that inspections conducted at such stations at the request and under the direction of a police officer or a safety inspection shall be paid for as follows:

(a) In the event violations of this section are uncovered, by the owner of the vehicle.

(b) In the event no such violations are uncovered, by the agency represented by the police officer or inspector.

The annual fee to be paid by the inspection station upon authorization set forth herein shall be \$15 and shall not be refundable.

VIII. Each inspection station shall conspicuously post on its premises a notice, in a form and size approved by the director, consisting of the following:

(a) The charge for an inspection; and

(b) A summary list of the equipment to be functionally checked and inspected as authorized by the director.

IX. Excluding inspections conducted at the request and under the direction of a police officer or a safety inspector, upon completion of an inspection the inspection station shall furnish the vehicle owner or operator a copy of the summary list specified in the paragraph above, in a form approved by the director. The list shall specify vehicle identifying information, vehicle mileage, and equipment inspected, and, if the vehicle is rejected, the reason for rejection. The inspection station shall keep a duplicate copy of this list as evidence that the inspection was properly conducted.

3 Transitional Provisions. The commissioner of safety, with the approval of the legislative fiscal committee and governor and council, is authorized to transfer from highway funds not otherwise appropriated, such sums as may be necessary for the purchase of new inspection decals to implement the provisions of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

Reps. Newman and Daniel Eaton spoke against the amendment and yielded to questions.

Reps. Sloan and Pearson spoke in favor of the amendment and yielded to questions.

Rep. Arthur Locke spoke against the amendment.

Rep. Irvin Gordon spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 67 NAYS 287

YEAS 67

BELKNAP: Richard Campbell, Pearson and Randall.

CARROLL: Gene Chandler and Kenneth MacDonald.

CHESHIRE: Frink and Irvin Gordon.

COOS: Brideau, Brungot, Harold Burns, Chardon, Coulombe, Mayhew and York.

GRAFTON: Copenhaver, LaMott, Rounds, Stewart and Walter.

HILLSBOROUGH: Arnold, Bourdon, Leslie Burns, Crotty, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Grip, George Jones,

Labombarde, Lozeau, Messier, Nute, Norman Packard, Pappas, Sallada, Leonard Smith, Tamposi, Turgeon, Geraldine Watson and Harold Watson.

MERRIMACK: Bardsley, Cate, James Chandler, Mary Holmes, Pantzer and James Whittemore.

ROCKINGHAM: Benton, Emanuelson, Beverly Gage, Haynes, Hoar, George Katsakiores, Nagel, Scamman, Schwaner, Sherburne, Sloan, Sytek, Vaughn and Wells.

STRAFFORD: Francis Robinson, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Disnard and McKee.

NAYS 287

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Crane, Davis, Delano, Daniel Eaton, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Chappell, Frederic Foss, Guay, Horton, Marsh, Ottolini and Theriault.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Michael King, Wayne King, Mann, McAvoy, Scanlan, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Aris, Barry, Beaupre, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cox, Ducharme, Duperron, Durant, Dwyer, Dykstra, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Hyman, Chris Jacobson, Jasper, Michael Jones, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Martin, Howard Mason, McGlynn, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen Ann Robinson, Shriver, B.P. Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Van Loan, Vanderlosk, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bibbo, Laurent Boucher, Bowes, Cailler, Connolly, Daniell, Fraser, Gilbreth, George Gordon, Hager, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Ames, Bangs, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Flanagan, Harry Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Hollingworth, Robert Johnson, Kane, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Malcolm, McCain, McKinney, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schmidchen, Seward, Skinner, Sochalski, Splaine, Stachowske, Titone, Tufts, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Burton, Callahan, Chamberlin, Diment, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Pelly, Spear, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Paul Johnson, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.
Ordered to third reading.

HB 626-FN, to provide for vending services for the blind on toll roads.
Inexpedient to Legislate.

Present statutes prohibit commercial enterprises on a limited access highway. The state has paid a premium in acquiring this right-of-way. Making an exception would establish a precedent. Vote 15-0. Rep. Lorine Walter for Public Works.

Resolution adopted.

HB 141-FN, relative to sunset review of the office of waste management. Ought to Pass with Amendment.

The amendment causes the Debt Service Payment to be made from the Hazardous Waste Fund as was in original legislation. Vote 13-0. Rep. Paul I. LaMott for Appropriations.

Rep. Elizabeth Greene moved that HB 141 be made a Special Order for Tuesday, April 2 and spoke to her motion.

Motion adopted.

HB 141 was made a Special Order for Tuesday, April 2.

HB 484-FN, relative to the general fund distribution to cities and towns.
Inexpedient to Legislate.

The Committee feels that the distribution formula as provided for in the bill does not fairly address the issue of how to factor inflation or the "cost of living" index when determining the amounts of state funds to be paid to cities and towns. The sponsor of the bill was the only witness to speak in support of the bill. Vote 12-0. Rep. Howard C. Townsend for Appropriations.

Rep. Alf Jacobson moved that the words, Ought to Pass, be substituted for the report

of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Howard Townsend and Kidder spoke against the motion and yielded to questions.

Rep. Rounds spoke against the motion.

Rep. Alf Jacobson requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 68 NAYS 276

YEAS 68

BELKNAP: Brown, Golden and Malcolm Harrington.

CARROLL: McIntire.

CHESHIRE: Arnott, Crane, Delano, Daniel Eaton, Secord and William Sullivan.

COOS: Guay.

GRAFTON: McAvoy.

HILLSBOROUGH: Arris, Boisvert, Burkush, Charron, Cote, Dwyer, Gagnon, Scott Green, Healy, Michael Jones, Lown, Lozeau, McGlynn, Messier, Newcombe, Prestipino, Raiche, Frances Riley, B. P. Smith, Turgeon and Zis.

MERRIMACK: Anderson, Cate, George Gordon, Alf Jacobson, Lewis, Pannell and Gerald Smith.

ROCKINGHAM: Patti Blanchette, Connors, Ellyson, McKinney, Pevear, Popov, Raynowska, Tufts and Vaughn.

STRAFFORD: Berkey, Chamberlin, Donnelly, Anita Flynn, Edward Flynn, Frew, Keans, Laurion, Musler, Pelley, Francis Robinson, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Paul Johnson and McKee.

NAYS 276

BELKNAP: Birch, Bolduc, Bowler, Brough, Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Burley, Davis, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, Ramsay, Ridge, Russell, Schwartz, Scranton, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Beupre, Blais, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, John Burns, Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cox, Ducharme, Duperron, Durant, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Hendrick, Herod, Hogan, Holden, Hyman, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Martin, Howard Mason, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Norman Packard, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Reardon, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Lucille Wood and Worthen.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Connolly, Daniell, Fraser, Gilbreth, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Arthur Locke, Millard, Nichols, Phelps, Rehlander, Doris Riley, Linwood Rogers, Savaria, Shepard, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Day, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Courdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Malcolm, McCain, Nagel, Newell, Plumbo, Parr, Quimby, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmittchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Burton, Callahan, Diamant, Albert Dionne, Patricia Foss, Frechette, Robert Jones, Kincaid, Lussier, Meader, O'Brien, Bruce Packard, Spear, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Domini, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Resolution adopted.

HB 516, relative to smoke detectors in residential health care facilities. Refer for Interim Study.

Those who testified on House Bills 168, 226 and 516 were so divergent, so conflicting and so positive in their testimony that this Committee has no choice but to sort out the fact from the fancies and draft legislation which will be specifically tailored to nursing homes, hospitals, etc., with consideration given to the special

problems of each. Vote 15-0. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

Rep. Spaulding moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, and spoke to her motion.

Rep. Benton spoke against the motion and yielded to questions.

Motion lost.

Referred for Interim Study.

HB 168-FN, exempting county nursing homes and county hospitals from the state requirement of being equipped with automatic fire warning devices. Refer for Interim Study.

Those who testified on House Bills 168, 226 and 516 were so divergent, so conflicting and so positive in their testimony that this Committee has no choice but to sort out the fact from the fancies and draft legislation which will be specifically tailored to nursing homes, hospitals, etc., with consideration given to the special problems of each. Vote 15-0. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

Referred for Interim Study.

HB 226-FN, relative to automatic fire warning devices in hospital rooms. Refer for Interim Study.

Those who testified on House Bills 168, 226 and 516 were so divergent, so conflicting and so positive in their testimony that this Committee has no choice but to sort out the fact from the fancies and draft legislation which will be specifically tailored to nursing homes, hospitals, etc., with consideration given to the special problems of each. Vote 15-0. Rep. Robert L. Hyman for Public Protection and Veterans Affairs.

Rep. Spaulding moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, and spoke to her motion.

Rep. Benton spoke against the motion. Motion lost.

Referred for Interim Study.

HB 284, relative to the Winnepesaukee river flood protection project and making an appropriation therefor. Ought to Pass with Amendment.

Committee vote 22-1 favoring the New Hampshire Water Resources Board to proceed, with a clear understanding with appropriate state bodies to qualify, with the Army Corps of Engineers to provide flood control protection on the Winnepesaukee River. This is only an intent to match federal funds and will not be initiated until presented to additional state bodies in 1986. Rep. James J. White for Public Works.

Amendment

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Authorization. The water resources board is authorized to retain any money surplus from the project in section 1 of this act to provide a maintenance program for the project.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Bowler spoke against the Committee report.

Rep. James J. White spoke to the Committee report.

Referred to Appropriations.

HB 441-FN, relative to simulcast racing. Ought to Pass with Amendment. The Committee voted unanimously (16-0) for this bill, as amended, because it allows our tracks to be competitive with our neighboring state, will increase attendance and resulting state revenues. The Committee recommends a short trial period for simulcasting without live racing to see if it is cost effective for both the tracks and the state. Rep. Dale Thompson for Regulated Revenues.

Amendment

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Wagering on Simulcast Races. Amend the introductory paragraph of RSA 284:22 as inserted by 1957, 122:1 as amended by striking out said paragraph and inserting in place thereof the following:

During the calendar years of 1941 - 1991, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere, except as provided in this paragraph. Pari-mutuel pools may also be sold by licensees on races held at other appropriately licensed racetracks, within or without the state of New Hampshire, if such sales are within the enclosure of a race track which holds a license for the current year to conduct racing within this state, and if wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's track simultaneously with the conduct of each such race at its point of origin. Racing officials, as defined in rules adopted by the commission; any employee or owner of the entity supplying the track's totalizators; and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races exhibited at the licensee's track. The

restrictions of RSA 284:17-c shall not apply to pari-mutuel wagering on races which are simulcast by television or other means of electronic reproduction under this section. The type of live racing approved at the licensee's track under RSA 284:17 shall limit the type of racing which may be simulcast. The licensee shall have received city or town approval under RSA 284:17 to conduct live races before that type of racing may be simulcast. A licensee may simulcast races only on days on which live racing is conducted at the licensee's race track. RSA 284:23 shall apply according to the type of race on which the wagers are made, whether live or simulcast. The provision for purses made in paragraph I of this section shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating such simulcast races or to the horsemen's group of such association.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Temporary Authorization for Simulcasting Without Live Racing. Notwithstanding RSA 284:22, the pari-mutuel commission may approve up to a total of 10 days during the period of time from the effective date of this act to June 30, 1986, on which simulcast racing may be shown at a licensee's track on days on which live racing is not being conducted at the licensee's race track.

8 Repeal. Section 7 of this act is hereby repealed.

9 Effective Date.

I. Section 8 of this act shall take effect June 30, 1986.

II. The remainder of this act shall take effect upon its passage.

Rep. Nancy Ford moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to her motion.

Rep. Thompson spoke against the motion, yielded to questions and yielded to Rep. Rounds who yielded to questions.

Rep. Kenneth MacDonald spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 96 NAYS 241

YEAS 96

BELKNAP: Bolduc, Bowler, Richard Campbell, Dexter, Malcolm Harrington, Jensen, Matthew Locke, Pearson, James J. White and Zeckhausen.

CARROLL: Russell Chase.

CHESHIRE: Burley, Davis, Elmer Johnson, Perry and Ramsay.

COOS: Ottolini.

GRAFTON: Arnesen, Copenhaver, Easton, Hutchings, Wayne King, Stewart, Howard Townsend, Wadsworth and Ward.

HILLSBOROUGH: Blais, Bridgewater, Leslie Burns, Carragher, Charron, Chretien, Cote, Cox, Nancy Ford, Marian Harrington, Hendrick, Labombard, McGlynn, Messier, Bonnie Packard, Pariseau, Parmenter, Perham, Pressly, Frances Riley, Elle-Ann Robinson, B. P. Smith, Sylvia, Tamposi, Geraldine Watson, Harold Watson, Emma Wheeler, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Laurent Boucher, James Chandler, Daniell, Hager, Lewis, Pannell, Phelps and Shepard.

ROCK INGHAM: Butler, Case, Connors, Ellyson, Emanuelson, Thomas Gage, Hoar, Hollingworth, Malcolm, Pevear, Popov, Raynowska, Sanderson, Scamman, Sherburne, Skinner, Sloan, Vaughn, Warburton and Woodward.

STRAFFORD: Bernard, Burton, Donnelly, Keans, Pelley and Francis Robinson.

SULLIVAN: Domini, McKee and Spaulding.

NAYS 241

BELKNAP: Birch, Brough, Brown, Golden, Hardy, Hawkins, Holbrook and Randall.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Crane, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Morse, Parker, Ridge, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Bideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Theriault and York.

GRAFTON: Bean, Blair, Chambers, Christy, Densmore, Driscoll, Duggan, LaMott, Mann, McAvoy, Rounds, Scanlan, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Beaupre, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Burkush, John Burns, Champagne, Clancy, Duperron, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Healy, Herod, Hogan, Holden, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard Mason, Elizabeth Moore, Morrissette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Norman Packard, Paquette, Paradis, Pellow, Prestipino, Raiche, Reardon, Sallada, Shriver, Steiner, Stonner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Kenneth Wheeler, Frank Whittemore and Winn.

MERRIMACK: Bibbo, Bowes, Cailler, Cate, Connolly, Fraser, Gilbreth, George Gordon,

Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Arthur Locke, Millard, Nichols, Rehlander, Doris Riley, Linwood Rogers, Savaria, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Clay, Day, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Mace, Magoon, Robert Mason, McCain, McKinney, Nagel, Newell, Newman, Palumbo, Pantelakos, Quimby, Norman Rogers, Romoli, Rosencrantz, Schwaner, Seward, Sochalski, Splaine, Stachowske, Sytek, Tufts, Welch and Wells.

STRAFFORD: Appleby, Bates, Berkey, Callahan, Chamberlin, Diamant, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Kincaid, Laurion, Lussier, Meader, Musler, Bruce Packard, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Paul Johnson, Lindblade, Normandin, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Rep. Burley notified the Clerk that she inadvertently voted yea and meant to vote nay.

Question now being on the Committee amendment.

Amendment adopted.

Referred to Appropriations.

HB 92, relative to suspension of an operator's license for nonpayment of parking fines. Refer for Interim Study.

The Committee spent time on this bill earlier and accepted it back for further study. The Committee has done more research on it and has considered many angles. It still seems that the problem addressed can and should be controlled locally. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

Rep. Newman moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, and spoke to his motion.

Rep. Irvin Gordon spoke against the motion and yielded to questions.

Rep. Newman requested a division.

75 members having voted in the affirmative and 244 in the negative, the motion lost.

Referred for Interim Study.

HB 112-FN, relative to sunset review of port authority. Ought to Pass.

The Committee spent a considerable amount of time studying the Port Authority. It was concluded that the Port Authority was an efficient and well run agency. Despite a small staff the Port Authority has fulfilled its obligation of overseeing port operations while carrying out initiatives in expanding marketing and the establishment of new Foreign Trade Zones in New Hampshire. Economically, the Port

Authority has recently begun operating at a profit. Further, the multiplier effect from the Port's operations are a significant factor in the State's economy. The Committee recommends continued support for this effective state agency. Vote 12-0. Rep. Stephen Sloan for Transportation.

Rep. Labombarde offered an amendment.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Rulemaking. Amend RSA 271-A:4 (supp) as inserted by 1957, 262:1 as amended by striking out said section and inserting in place thereof the following:

271-A:4 Rulemaking. The authority may adopt rules, pursuant to RSA 541-A, relative to port captains, pilots and pilotage, harbors and harbor masters, and the harbors of the state as it deems proper. The authority shall, in accordance with RSA 541-A, set the fees for moorings and pilotage, and a table of such fees shall be attached to the commission of each pilot.

4 Current Fees to Remain in Force. The fees in force on the effective date of this act shall continue in effect until changed by the authority.

5 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment.

Rep. Labombarde explained the amendment.

Rep. Irvin Gordon spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 27 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 383-FN, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.

HB 515, relative to the ballot law commission.

HB 541, making references gender neutral in certain domestic relations statutes.

HB 347-FN, relative to the current use tax.

HB 526, prohibiting drugs in pulling contests.

HB 528, requiring the consideration of noise levels in energy facility siting decisions.

HB 539, relative to the protection of sand dunes.

HP 407, allowing towns to regulate tattooing facilities.

HL 507, relative to damages paid by the department of fish and game.

HB 570-FN, relative to licensing antique snowmobiles.

HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs.

HB 360, relative to the penalty for escape from a house of correction.

HB 362, relative to restitution.

HB 371, to restore the curative statute for deeds defectively witnessed.

HB 449, relative to marriages of minors, waiver of the waiting period for marriage, and waiver fees and copy costs.

HB 452-FN, relative to multicounty grand juries.

HB 453, relative to theft of utility services.

HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 534, relative to expenses incurred by the commissioner of the department of employment security.

HB 540, establishing a committee to recodify the state's labor laws.

HB 242, relative to notifying abutters.

HB 260, relative to appropriated funds in Hillsborough county.

HB 397-FN, establishing a commission to study the recodification of state laws on municipalities.

HB 545-FN, relative to sewer improvement funds in the city of Rochester.

HB 573-FN, relative to class II highways and naming a bridge in Hopkinton for Leroy R. Kimball.

HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licenses or permittees.

HB 328, relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E and to town health officers' inspection duties under RSA 128.

HB 372, conforming the state pollution laws to federal standards for the purpose of the National Pollutant Discharge Elimination System permit program.

HB 521, relative to the powers of the public utilities commission.

HB 596, relative to restoring the old state house at Strawberry Banke.

HB 112-FN, relative to sunset review of port authority.

HB 253, relative to the Cooperative Alliance for Seacoast Transportations.

HB 294, relative to the Nashua airport authority.

HB 496-FN, relative to special number plates for nonprofit organizations serving the mentally impaired.

HB 345, relative to 4 year terms for the secretary of state and the state treasurer.

HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees.

HB 422-FN, relative to the training of dogs.

HB 544, relative to water improvement bonds issued by the city of Rochester.

HB 215-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

PERSONAL PRIVILEGE

Rep. Wayne King addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 5:20 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

HOUSE JOURNAL 14

Wednesday, 27Mar85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

"Dear Lord and Father of Mankind, forgive our feverish ways." Reprogram us with a sense of peace that allows us to clearly think through the necessary issues of this day. Let us live with Your blessings that we may work in peace, for peace. Amen.

Rep. Sochalski led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ingram, Reidy, Lamontagne, Chagnon, Kohl, Winn, Bennett, Bryant, Golden, Joseph MacDonald, Emanuelson and Healy, the day, illness.

Reps. Vartanian, Walter Robinson, Gourdeau, Case, Romoli, Magoon, Nagel, Hayes, Taffe, Joslyn, Longworth, William Sullivan, Wight, Dingle, Diamant, Allgeyer, Whiting, Bass, Stonner, Marsh and Ducharme, the day, important business.

Rep. Simon, the day, death in the family.

SENATE MESSAGES CONCURRENCE

HB 36, limiting the liability of donors and distributors of food.

HB 63, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

NONCURRENCE

HB 240, relative to monopolistic activity.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 41, relative to salt water fishing and shellfish. (Amendment printed SJ 3/21)
Rep. Charles Riley moved that the House concur.
Adopted.

CACR 1, relating to the amount in controversy required for a jury trial in civil cases. Providing that the amount in controversy for the right to jury trial must exceed \$2,500. (Amendment printed SJ 3/21)

Rep. Joseph Eaton moved that the House concur.
Adopted.

REQUESTS CONCURRENCE

SB 39, establishing that human life begins at conception.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bill numbered 39 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 39, establishing that human life begins at conception. (Health and Human Services)

ENROLLED BILLS AMENDMENT

HB 20, relative to the implied consent of testing of boat operators on public waters.

Amendment

Amend RSA 270:49, IV as inserted by section one of the bill by striking out line one and inserting in place thereof the following:

III. A copy of the report of any such test shall be furnished by

Amend RSA 270:49, V as inserted by section one of the bill by striking out line one and inserting in place thereof the following:

IV. Properly trained personnel of the United States Coast Guard may

Amend section 2 of the bill by striking out line one and inserting in place thereof the following:

2 Operating Boats Under Influence.
Amend RSA 631:5 as inserted by

This amendment corrects the numbering error in RSA 270:49 as inserted by section one of the bill by changing the roman numerals "IV" and "V" to "III" and "IV," respectively, and corrects the amending language for section 2 of the bill.

Amendment adopted.

The Speaker called for the Special Order.

HB 256-FN, permitting the propagation and sale of ferrets for pets. Inexpedient to Legislate.

The majority of the Committee felt that allowing the importation of even the European ferret, which has been relatively domesticated for many years,

would be unwise. If they escaped into the wild there would be a possibility of rabies infection. There is no preventive rabies serum approved for use with ferrets and, as far as the Committee can find, no veterinarian would be willing to inoculate a ferret. The Committee sympathizes with the difficulty the people who testified in favor of this legislation found in securing permission from the Fish and Game Department to have a pet ferret. Vote 11-6. Rep. Elizabeth A. Greene for Environment and Agriculture.

Rep. Burdick moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Donovan and Elizabeth Greene spoke against the motion.

Rep. Chretien spoke in favor of the motion.

Motion lost.

Resolution adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 342 was removed at the request of Rep. Crory.

HR 24 was removed at the request of Rep. Schwaner.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. Ought to Pass with Amendment.

This bill with the amendment will correct a situation created by construction of Route 101. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated the sum of \$45,000 to the department of public works and highways for the biennium ending June 30, 1987, for the reconstruction of approximately 0.3 mile of Prescott Road north of route 101 to New Hampshire Route 27, in the town of Raymond. Any right-of-way acquisition shall be kept within the limits of money available in this appropriation. This appropriation shall be a charge against the highway fund.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights. Ought to Pass.

Recommendations of the Legislative Dam Management Review Committee include review of state-owned dams, acquisition of Black Reservoir and water rights and criteria for acquisition of private dams. Vote 13-0. Rep. Paul I. LaMott for Appropriations.

HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor. Ought to Pass. Fee increases will allow for additional personnel for plan approval and inspection of land development septic systems. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

HB 427-FN, increasing the per diem for members of the public employee labor relations board. Ought to Pass.

This increases the allowance for this five person quasi-judicial board from \$25 to \$50 per diem. Vote 15-1. Rep. Margaret A. Ramsay for Appropriations.

HB 429-FN, appropriating funds for participation in the federal groundwater mapping program. Ought to Pass with Amendment.

This program will address the groundwater resource information need of all New Hampshire communities, conferring benefit to the general population of the state. Amendment changes effective date. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect upon its passage.

HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection. Ought to Pass.

A certain part of each fee will go to payment of the per diem and expense of board members engaged in wetland board activities. Remainder goes to review board fund and for dam inspection. Vote 16-0. Rep. Lee Anne Steiner for Appropriations.

SB 6-FN, making a supplemental appropriation to the real estate commission. Ought to Pass.

This bill appropriates \$65,405.50 for making payments to provide testing of applicants for the biennium ending June 30, 1985. The applicants pay a fee for these services. Vote 19-0. Rep. Rowland H. Schmidtchen for Appropriations.

HB 434-FN, relative to missing children and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes uniform procedures for investigating reports of missing children. The bill also requires the Department of Education to establish a model missing child education and model "optional" fingerprinting program, both will be made available to school districts which they may adopt. The Committee believes this legislation will aid law enforcement and is needed as it is a small step toward dealing with this important problem. Vote 16-0. Rep. Rick Newman for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Manual; Missing Child Cases. Amend RSA 7:6-a (supp) as inserted by 1957, 205:1 as amended by striking out said section and inserting in place thereof the following:
7:6-a Law Enforcement Manual. Under the direction of the attorney general there shall be prepared and distributed from time to time a law enforcement manual, with revisions and supplements. This manual shall contain interpretations of law pertaining to the duties of peace officers, law of arrest, admissibility of evidence, trial procedure, instructions in the handling of missing child cases, and such other material as the attorney general deems necessary. This manual and its revisions and supplements shall be for distribution to such law enforcement officials as the attorney general may determine upon the payment of such price therefor as determined by the attorney general, and in addition at no charge one copy to each member of the general court requesting the same and 6 copies to the office of legislative services.

2 Attorney General; Missing Child Bulletin. Amend RSA 7 by inserting after section 10 the following new section:

7:10-a Missing Child Bulletin.

I. The department of safety, under the direction of the attorney general, shall prepare a periodic information bulletin concerning missing children who may be present in this state, from information contained in the national crime information center computer. The bulletin shall indicate the names and addresses of those minors who are the subject of missing children cases and other information that he considers appropriate.

II. The department of safety shall send a copy of each periodic bulletin prepared pursuant to this section to each law enforcement agency in this state. The department shall provide a copy of the bulletin, upon request, to other persons or entities. The department may establish a reasonable fee for a copy of a bulletin provided to persons or entities other than law enforcement agencies in this or other states or of the federal government, governmental entities of this state, and libraries in this state.

3 New Chapter; Missing Children. Amend RSA by inserting after chapter 169-D the following new chapter:

CHAPTER 169-E
MISSING CHILDREN

169-E:1 Definition. For the purposes of this chapter "missing child" means any person under the age of 16 years missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care.

169-E:2 Report. When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person

providing the information wishes to file a missing child report, the law enforcement agency shall take that report from the child's parents, custodial parent, guardian, legal custodian or any other person responsible for the missing child. Upon taking the report, the law enforcement agency shall take reasonable and appropriate action to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child.
169-E:3 Procedure.

I. If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the national crime information center computer within 12 hours following the making of the report, unless extraordinary circumstances cause a delay. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information, and promptly integrate any additional information acquired into such computer system.

II. The parents, custodial parent, guardian, legal custodian, or other person responsible for the missing child shall provide available information upon request, and may provide information voluntarily, to the law enforcement agency during the information gathering process. The law enforcement agency also may obtain available information about the missing child from other persons, subject to constitutional and statutory limitations.

III. Upon the filing of a missing child report, the law enforcement agency involved promptly shall make a reasonable attempt to notify other law enforcement agencies within its county and, if the agency has jurisdiction in a city, town, or unorganized or unincorporated place that borders another county, to notify the law enforcement agency for the city, town, or unorganized or unincorporated place in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies and appropriate county providers of human services exercising children services functions, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

IV. Upon request from a law enforcement agency, a county provider of human services exercising children services functions shall grant the law enforcement agency access to all information concerning a missing child that the provider possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The

information obtained by the law enforcement agency shall only be used to further the investigation to locate the missing child.

169-E:4 Cooperation With Other Agencies.

I. Upon request, law enforcement agencies in this state shall cooperate with other law enforcement agencies in their investigations of missing child cases.

II. The information in any missing child report made to a law enforcement agency shall be made available, upon request, to law enforcement personnel of this state, other states, and the federal government when the law enforcement personnel indicate that the request is to aid in identifying or locating a missing child or the possible identification of a deceased minor who, upon discovery, cannot be identified.

169-E:5 Dental Records. When a missing child has not been located within 30 days after the date on which his missing child report was filed with a law enforcement agency, that law enforcement agency shall request the missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for the missing child, to provide written consent for the law enforcement agency to contact the missing child's dentist and request the missing child's dental records. Upon receipt of such written consent, the dentist shall release a copy of the missing child's dental records to the law enforcement agency and shall provide and encode the records in such form as requested by the law enforcement agency. The law enforcement agency shall then integrate information in the records into the national crime information center computer in order to compare the records to those of unidentified deceased persons. This section shall not prevent a law enforcement agency from seeking consent to obtain copies of a missing child's dental records, or prevent a missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for the missing child, from granting consent for the release of copies of the missing child's dental records to a law enforcement agency, at any time.

169-E:6 Recovery of Child. A missing child's parents, custodial parent, guardian, or legal custodian, or any other person responsible for a missing child, shall immediately notify the law enforcement agency with which they filed the missing child report whenever the child has returned to their home or to their care, custody, and control, has been released if he was the victim of an offense under RSA 633, or has otherwise been located. Upon such notification or upon otherwise learning that a missing child has returned to the home of, or to the care, custody, and control of his parents, custodial parent, guardian, or legal custodian, or other person responsible for him, or has been released if he was the victim of an offense under RSA 633, or otherwise has been located, the law enforcement agency involved shall promptly integrate the fact that the minor is no longer a missing child into the national crime information center computer.

169-E:7 Cooperation With United States Attorney General. Law enforcement agencies

in this state shall cooperate fully with the United States Attorney General in the collection of information that would assist in the identification of unidentified deceased persons and information that would assist in the location of missing persons under the "Federal Missing Children Act of 1982," 28 U.S.C.A. 534, as amended. Law enforcement agencies in this state that are investigating missing children cases shall utilize the records and information compiled by the United States Attorney General pursuant to that act when the circumstances of an investigation indicate that the records and information may be of assistance and when the act authorizes it.

4 New Duty; Missing Child Education Program. Amend RSA 186:11 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. MISSING CHILD EDUCATION PROGRAM. Administer the missing child education program as established in RSA 193:31.

5 New Subdivision; Fingerprinting Students. Amend RSA 189 by inserting after section 49 the following new section:

189:49-a Fingerprinting Program.

I. The state board of education in conjunction with the department of safety shall adopt a model fingerprinting program which shall be made available to the board of education of each school district in the state. The state board of education shall encourage each school district to adopt this program in the interest of uniformity throughout the state.

II. If the school district adopts the fingerprinting program it shall be for the sole purpose of providing a means by which a missing child might be located or identified and shall be operated on the following basis:

(a) No student shall be required to participate in the program.

(b) In order for a student to participate in the program, the parents, custodial parent, guardian, legal custodian, or other person responsible for the student shall authorize the student's participation by signing a form that shall be developed by the board of education or by the principal or chief administrative officer of the nonpublic school for the program.

(c) All fingerprint cards shall be given to the parents, custodial parent, guardian, legal custodian, or other person responsible for a student after the fingerprinting of the student. A copy of a fingerprint card may be retained by a school or school district, if written permission is given by the student's parent, guardian, or legal custodian. The student, upon reaching the age of 18, or the parent at any time, shall have the right to have the card returned to him and no copy shall be retained by the school or school district.

(d) The name, sex, hair and eye color, height, weight, and date and place of birth of the student and other information may be indicated on the fingerprint sheet or card.

III. Fingerprints obtained pursuant to this section, or any medical, psychological, guidance, counseling, or other information that is derived from the

use of the fingerprints, shall not be admissible as evidence against the minor who is the subject of the fingerprints in any proceeding in any court, and shall not be used against the minor after the minor reaches the age of majority.

IV. A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall provide access to the relevant records of a student to a law enforcement officer who indicates that he is conducting an investigation and that the student is or may be a missing child. Copies of information in the relevant records of a student shall be provided, upon request, to the law enforcement officer, if prior approval is given by the student's parent, guardian, or legal custodian. Information obtained by the officer shall be used solely in the investigation of the case. The information may be used by law enforcement agency personnel in any manner that is appropriate to solving the case, including, but not limited to, providing the information to other law enforcement officers and agencies and to the office of the attorney general, division of criminal justice, for purposes of computer integration pursuant to RSA 7:10-a.

6 Missing Child Education Program.
Amend RSA 193 by inserting after section 30 the following new subdivision:

Missing Child Education Program

193:31 Program Established; Rules. The department of education, in cooperation with the division for children and youth services, shall establish the "missing child educational program" that shall perform the functions specified in this subdivision. The program shall operate under the supervision and control of the commissioner of education in accordance with procedures that the commissioner shall adopt by rule, pursuant to RSA 541-A, to implement this subdivision.

193:32 Educational Materials.

I. The program shall acquire or prepare educational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

- (a) The types of missing children.
- (b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, custodial parent, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems.
- (c) How to avoid becoming a missing child and what to do if one becomes a missing child.
- (d) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a

missing child, including, but not limited to, fingerprinting programs.

II. The program shall provide, upon request, a reasonable number of copies of the educational materials acquired or prepared pursuant to paragraph I to boards of education in this state and to nonpublic schools in this state. The program shall provide assistance, upon request, to a board of education or nonpublic school that is developing an educational program concerning missing children issues and matters.

III. The program shall provide, upon request and subject to paragraph IV, a copy of any educational material to another person or entity.

193:33 Report. Each year the program shall issue a report describing its performance of the functions specified in this subdivision and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the attorney general, and the director of the division for children and youth services.

7 Duties; Informational Materials.

Amend RSA 170-G:4 by inserting after paragraph XIII the following new paragraph:

XIV. To prepare and distribute the informational bulletin and materials as required under RSA 170-G:9 and 10.

8 Informational Materials. Amend RSA 170-G by inserting after section 8 the following new sections:

170-G:9 Informational Materials.

I. The division shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

- (a) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children.
- (b) Statutory offenses that could relate to missing children, including, but not limited to, kidnapping, unlawful restraint, child stealing, interference with custody, endangering the welfare of a child, domestic violence, abuse of a child, neglect, delinquency of a child, sexual offenses, drug offenses, prostitution offenses, obscenity offenses, and other provision of law that could relate to missing children.
- (c) Legislation being considered by the general court, legislatures of other states, the Congress of the United States, and political subdivisions in this and other states to address missing children issues.
- (d) Sources of information on missing children issues.
- (e) State, local, federal, and private systems for locating and identifying missing children.
- (f) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters.
- (g) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations.

(h) The identification of private organizations that, among their primary objectives, address missing children issues and matters, and any toll free numbers offered by these organizations.

II. The division shall provide, upon request and subject to paragraph IV, a copy of any informational material to another person or entity.

III. The director shall by rule establish a reasonable fee for a copy of any informational material acquired or prepared pursuant to paragraph I, to be provided to a person or entity other than a law enforcement agency in this or other states or of the federal government, a board of education of a school district in this state, a nonpublic school in this state, a governmental entity in this state, or a library in this state. The fee shall be collected by the division prior to sending or giving any informational material to such a person or entity. Fees collected pursuant to this paragraph shall be deposited monthly in the general fund.

IV. Each year the division shall issue a report describing its performance of the functions specified in this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the attorney general, and the commissioner of education.

9 Parent Locator Service. The division for children and youth services, shall enter into an agreement with the Secretary of Health and Human Services, as authorized by the "Parental Kidnapping Prevention Act of 1980," 42 U.S.C. 663, as amended, under which the services of the parent locator service established pursuant to title IV-D of the "Social Security Act," 42 U.S.C. 301, as amended, shall be made available to this state for the purpose of determining the whereabouts of any absent parent or child in order to enforce a law with respect to the unlawful taking or restraint of a child, or to make or enforce a child custody determination.

10 Appropriation.

I. The sum of \$20,000 is hereby appropriated for the biennium ending June 30, 1987, to the department of education for the purposes of funding the missing child education program as established by this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$30,000 is hereby appropriated for the biennium ending June 30, 1987, to the division for children and youth services for the purposes of preparing and distributing the informational bulletin and materials required by RSA 170-G:9 and 10. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Federal Funds. The division for children and youth services may apply for and accept any federal funds which may be available for the purposes of this act.

12 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 495, eliminating depositions in criminal cases of children under age 13 except in certain cases. Ought to Pass with Amendment.

The Committee is strongly in favor of eliminating depositions in criminal cases of children 16 years of age and under. There are provisions in the bill for depositions in certain cases. This bill protects children from becoming victims in the legal system. Vote 15-1. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

eliminating depositions in criminal cases of children 16 years of age and under except in certain cases.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Depositions; Criminal Cases. Amend RSA 517:13 as amended by striking out said section and inserting in place thereof the following:

517:13 Taking; When Permitted. The respondent in a criminal case may take the deposition of any person 17 years of age or older in his defense, upon giving the same notice of the caption thereof to the county attorney that is required to be given to the adverse party in a civil case. Any deposition so taken may be used on the trial of the case whenever, in the discretion of the court, the use thereof shall be deemed necessary for the promotion of justice.

517:13-a Children 16 Years of Age and Under. Depositions of children 16 years of age and under shall not be permitted in criminal cases except by mutual agreement of the parties, by order of the court in exceptional circumstances, or to preserve testimony which might otherwise be lost because of the unavailability of the witness. When the court makes such an order it shall state the exceptional circumstances as part of its order for the taking of the depositions.

2 Effective Date. This act shall take effect January 1, 1986.

HB 595, relative to missing child police reports. Inexpedient to Legislate.

While the Committee agrees with the reasons behind HB 595, it feels that it has been fully covered in other legislation. Vote 16-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips. Ought to Pass.

The Committee voted overwhelmingly (13-1) for this bill because members felt that consumers should not be denied

goods and services solely because some vendors require the purchaser to sign a blank credit card. Rep. A. Leslie Burns for Commerce, Small Business and Consumer Affairs.

HB 316, relative to real estate brokers' bonds. Refer for Interim Study. The Committee sympathized with the sponsor's intent. However, after discussion and review it was felt that this legislation could be refined and Interim Study would produce a bill which would better address the problem. Vote 16-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 338-FN, establishing the office of utility consumer advocate and making an appropriation therefor. Inexpedient to Legislate.

The Subcommittee was unable to produce a redefinition of the consumer advocate which was satisfactory to the whole Committee. Vote 14-1. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 367, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. Inexpedient to Legislate.

This bill would eliminate "as is" sales and close purchasing options to consumers. Evidence and information presented by the Consumer Protection Division of the Attorney General's Office indicated few complaints regarding waiver of warranties and the Committee saw no compelling need for this legislation. Vote 15-0. Rep. George F. Disnard for Commerce, Small Business and Consumer Affairs.

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor. Ought to Pass with Amendment.

The majority of the Committee feels that this program will be very worthwhile and will go a long way towards obtaining the overall funding for a comprehensive statewide program and would provide a good vehicle for publicizing the availability of these pieces of equipment and the plight of the severely hearing impaired. Vote 13-1. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Telecommunications Equipment Plan. Amend RSA 200-C by inserting after section 5 the following new subdivision:

Telecommunications Equipment Program
200-C:6 Telecommunications Equipment Program.

I. The director, division of vocational rehabilitation, shall develop a

program to make special telecommunications equipment available to deaf, hearing impaired, and speech impaired persons. The program shall provide for the purchase, maintenance and repair of special telecommunications equipment for deaf, hearing impaired, and speech impaired persons. Any equipment purchased under the program shall be property of the state of New Hampshire.

11. The program established under paragraph I shall include specific criteria that will govern the priorities assigned to various persons who require special telecommunications equipment. Persons who are profoundly deaf or speech impaired so that they cannot use the telephone for expressive or receptive communications, as verified by a written report from an otologist, audiologist or physician, shall be eligible for equipment under the program.
200-C:7 Equipment Fund Established.

I. A telecommunications equipment fund is hereby established. The fund shall be administered by the director, division of vocational rehabilitation, department of education and shall be used for the purchase, maintenance, and repair of special telecommunications equipment for the deaf, hearing impaired and speech impaired. The director shall make expenditures from the fund in accordance with the telecommunication equipment program established under RSA 200-C:6; provided that the director shall expend all other available funds before making expenditures from the telecommunications fund.

11. The state treasurer shall establish a separate nonlapsing account to be known as the telecommunications equipment fund. The moneys in this fund are hereby continually appropriated to the director of vocational rehabilitation to be expended for the purposes of this subdivision.

200-C:8 Rulemaking Authority. The director of vocational rehabilitation shall adopt rules, under RSA 541-A, relative to:

I. Administration of the telecommunications equipment fund, including procedures for disbursement of moneys from the program.

11. Eligibility criteria for equipment under the program, including priority criteria assigned to persons seeking equipment under the program.

III. Procedures for the purchase, maintenance and repair of special telecommunications equipment.

2 Appropriation. The sum of \$40,000 for the fiscal year ending June 30, 1986, and the sum of \$40,000 for the fiscal year ending June 30, 1987, are hereby appropriated to the telecommunication equipment fund established by section one of this act. The governor shall draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 529, for the protection of depositors. Inexpedient to Legislate. This bill was considered to be in conflict with anti-trust and restraint

of trade laws. Vote 16-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

HB 530, extending the time for perfecting a mechanics lien until after final payment becomes due. Inexpedient to Legislate.

This legislation would change one section of the current Chapter of the Mechanics' Lien Law. To change only the section concerning duration of lien caused several problems not anticipated by the sponsor. Study will continue by representatives of the construction industry and the sponsor. Vote 14-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days. Ought to Pass with Amendment.

This is a very good consumer bill. It provides that an insurer shall pay interest on life insurance death benefits when such insurer fails or refuses to pay the proceeds of any policy within 30 days after the date of death of the decedent. Vote 14-2. Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 408:10-a, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Notwithstanding any other provision of law, any life insurance company doing business in this state which fails or refuses to pay the proceeds of, or payments under, any policy of life insurance issued by it within 30 days after the date of death of the insured shall pay interest, at a rate of interest currently paid by the insurer on proceeds left under the interest settlement option, computed from the date of the insured's death, on any moneys payable and unpaid after the expiration of such 30 day period. This section shall apply only to deaths of insureds which occur on or after January 1, 1986.

HB 587, relative to motor vehicle warranties. Ought to Pass.

The Committee felt protection under this law should be extended to cover this class of vehicle for the group of consumers and dealers. Vote 13-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 605, relative to approval of deviations from rating organization filings and regulating the issuance of certificates of insurance. Ought to Pass.

This bill provides that issuance or delivery of certificates of insurance constitutes a transaction of insurance business. This bill also allows filed deviations to be effective until withdrawn or amended. Currently, deviations are effective for one year

unless terminated sooner. Vote 13-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 71, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. Ought to Pass with Amendment.

This bill is a compromise measure. The Committee felt that the original bill, which would have prohibited a candidate from accepting any write-ins of the opposite party, placed undue restraints on the candidate and the voters. The amended version which increased the number of votes needed to accept a nomination, establishes a broader sense of the voters. Vote 7-2. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

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increasing the number of write-in votes needed for nomination for office.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increasing Write-In Votes Required. Amend RSA 659:88 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

659:88 Write-In Votes and Nomination. A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless he received 25 write-in votes or write-in votes equaling 25 percent or more of the total votes cast for that party on such state primary election ballot, whichever is the smaller. If a person is disqualified from a nomination in accordance with this provision, then the nomination shall be awarded to the person whose name was printed upon the state primary election ballot of the party and who received the highest number of votes.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 177, relative to the time for holding city elections. Inexpedient to Legislate.

The Committee feels that any problem concerning the scheduling of city elections ought to be solved at the local level. Vote 10-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 114-FN, relative to sunset review of vocational rehabilitation education programs. Ought to Pass with Amendment. This bill exemplifies the positive results the Sunset review process can produce. The intensive Subcommittee

review of the Special Education section of Vocational Rehabilitation, with all interested parties involved including state, regional, and local administrators and teachers, resulted in this forward-looking bill. All participating parties agreed HB 114, as amended, represents significant progress towards improving the delivery of special education programs to New Hampshire's educationally handicapped students. Vote 16-0. Rep. Wayne M. Burton for Education.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Amend RSA 186-C:3 (supp) as inserted by 1981, 352:2 by striking out said section and inserting in place thereof the following: 186-C:3 Special Education Bureau.

I. There is hereby established a special education bureau in the division of instructional services, department of education. The department shall appoint and assign such personnel or contract for services as may be necessary for proper operation of the bureau. The duties of the special education bureau shall be fully coordinated and integrated with the department's general curriculum and instruction activities.

II. The special education bureau shall include a research and demonstration unit. The unit shall study critical issues and problems facing teachers, local district administrators, department officials, and elected policy makers concerning the special education and development and propose practical solutions to those problems.

186-C:3-a Duties. The special education bureau shall provide leadership in the area of the education of educationally handicapped students and shall promote the interests of special education in New Hampshire. The department shall ensure that the bureau's regulatory responsibilities and need for technical assistance are given equal consideration in planning department activities and expenditures. The special education bureau shall be responsible for the following:

I. Research, planning, and program development and the development, implementation, and evaluation of statewide special education policies, standards, and programs. In carrying out this mission the bureau shall gather and collect data and organize and analyze information about programs, conditions, and trends in special education in the state. In addition, the bureau shall be responsible for monitoring and maintaining information about national and regional trends, initiatives, and issues affecting special education in New Hampshire.

II. Providing technical assistance and information to the school districts so that the districts may effectively and efficiently implement state and federal special education policies and programs. Whenever technical assistance of a specialized nature, beyond that available in the department, is required, the bureau shall identify sources of such assistance in

other state agencies, the federal government, volunteer services, or the private sector. Further, the bureau shall develop creative and innovative methods for coordinating and arranging for such specialized technical assistance to achieve the highest degree of effective educational programming and teaching techniques.

III. Administration of federal and state funding programs for special education assigned to the bureau by law. The bureau shall also make recommendations to the state board regarding management systems, standard definitions, and procedures in order to provide uniform reporting of special education services and expenditures by school districts and school administrative units.

IV. Monitoring the operations of local school districts to ensure that they comply with state and federal laws regarding the education of educationally handicapped students. The bureau's regulatory program shall be structured and implemented in such a manner so as not to place an excessive administrative burden on local districts. The bureau and districts shall approach monitoring and regulation in a constructive, cooperative manner with a goal of improving special education in New Hampshire.

4 Amend RSA 186-C:4 (supp) as inserted by 1981, 352:2 by striking out said section and inserting in place thereof the following: 186-C:4 Comprehensive State Special Education Plan.

I. The department shall, by October 1, 1987, and every 6 years thereafter, publish a written comprehensive 6-year plan for the education of handicapped students in New Hampshire.

II. The department shall continually review this plan and publish a revision every 2 years. On or before December 1 of each even numbered year, the department shall review the plan with the standing committees of the house and senate having jurisdiction over matters relating to special education.

III. The comprehensive plan shall include:

(a) A well documented and statistically supported analysis of statewide needs and trends regarding the education of educationally handicapped students. This analysis shall clearly document the relative intensity of statewide special educational needs on either a regional or district basis.

(b) A statement of long-term goals and short-term objectives for special education in New Hampshire and a projection of how the department's programs and operations are expected to effect these goals and objectives during the period covered by the plan.

(c) A statement of the measures which the department recommends be used to evaluate its performance in terms of its statement in subparagraph (b) for the period covered by the plan. In this regard, the department shall recommend realistic, quantifiable performance measures for each federal and state program which it operates. In subsequent revisions to the plan, the department shall use the established measures as a basis for

reporting its performance in this section of the plan.

(d) A statement of the department's informational needs and the degree to which current data bases and information systems meet those needs. This review shall also identify types of data received from districts which are redundant or outdated and should be deleted.

(e) An action plan summarizing the programs, strategies, and methods which the department plans to use in achieving its goals and objectives.

IV. The comprehensive plan shall serve as a basis for the department's budget requests regarding special education.

V. In developing the comprehensive state special education plan, the department shall consult with the local school districts, related state agencies, and other members of the state's educational community so as to properly perform its duties.

5 Coordination of Responsibilities; Interagency Agreement. Amend RSA 186-C:7 (supp) as inserted by 1981, 352:2 by striking out said section and inserting in place thereof the following:

186-C:7 Individual Education Plans.

I. The development of an individualized education plan for each educationally handicapped child shall be the responsibility of the school district in which the child resides or of the school district which bears financial responsibility for the child's education.

II. The parents or legal guardian of an educationally handicapped child have the right to participate in the development of the individualized education plan for the child and to appeal decisions of the school district regarding such child's individualized education plan as provided in rules adopted in accordance with RSA 541-A by the state board of education.

III. The special education unit of the department of education shall assist each school district in developing an approved program or programs for educating the educationally handicapped children of the district including the setting of approved rates for private providers of special education services.

186-C:7-a Interagency Agreement for Special Education.

I. The commissioner of education, with the approval of the state board of education, and the commissioner of health and human services shall enter into a comprehensive, cooperative special education agreement to ensure the provision of necessary services by their agencies to educationally handicapped children.

II. This agreement shall address programs and services for each appropriate category of educationally handicapped children.

III. For each category of educationally handicapped children, the agreement shall include:

(a) A definition of the specific population to be served.

(b) An identification and description of the services available through each agency.

(c) A description of the specific programmatic and financial responsibilities of each department.

(d) An estimate of the costs of, and source of funds for, all services to be provided by each department.

(e) A method for implementing and administering the agreement which shall include a procedure for settling disputes regarding its administration or the financial and programmatic responsibilities of each department.

(f) A procedure for monitoring the operation of the agreement and for revising it periodically as necessary.

IV. The commissioners of education and health and human services shall submit a copy of the initial interagency agreement for special education to the appropriate standing committees of each house of the general court on or before September 1, 1985. Any subsequent proposed amendments or revisions to the agreement shall be submitted to the appropriate standing committees of the house and senate.

6 Amend RSA 186-C:8 (supp) as inserted by 1981, 352:2 by striking out said section and inserting in place thereof the following:

186-C:8 Collaborative Programs.

I. School districts or school administrative units, or both, may enter into cooperative agreements in order to provide approved programs for educating educationally handicapped children in regional special education centers. The state board of education, when appropriate because of a low incidence of a handicapping condition, high cost of services, or scarcity of trained personnel, shall encourage such cooperative agreements and shall serve as a source of information, advice and guidance to school districts, school administrative units, or both.

II. The state board of education, together with representatives of neighboring states, shall study the feasibility of interstate agreements or interstate compacts for the provision of services to educationally handicapped students.

7 Management Information Task Force; Study.

I. The general court recognizes the importance of uniform, timely, and accurate information for future policy and decision making about special education in New Hampshire. Therefore, it is the intent of the general court that relevant data processing and information management systems be reviewed periodically to conserve expensive data processing resources and eliminate the maintenance of outdated and redundant data or data which is of marginal importance. It is further the intent of the general court that management information about finances and services needed by state agencies and local school districts and other interested parties be produced and made available in the most efficient and integrated manner possible.

II. There is hereby established the special education information task force which shall consist of 13 members: the chairman of the house committee on education or his designee; the chairman of the senate committee on education or his designee; one

local school board member appointed by the New Hampshire School Boards Association; the supervisor of computer and statistical services of the department of education; the head of the special education bureau of the department of education or his designee; one member of the New Hampshire Special Education Administrators Association appointed by the association; one special education teacher appointed by the New Hampshire Federation of the National Council for Exceptional Children; one local superintendent of schools appointed by the New Hampshire School Administrators Association; the director of policy and planning for the department of health and human services or his designee; the director of the division of informational services of the department of administrative services or his designee; the director of the office of state planning or his designee; a representative of the Parent Information Center; and the director of the division for children and youth services or his designee. The task force shall elect a chairman from among its members.

III. The first meeting of the task force shall be called within 30 days of the effective date of this act. The supervisor of computer and statistical services of the department of education shall make arrangements concerning the date, time, and location of the first meeting of the task force.

IV. The department of education shall provide the task force with such staff assistance and support as necessary for it to carry out its responsibilities under this section.

V. All state agencies and departments shall provide the task force with such information and assistance required by it to fulfill its responsibilities under this section. The task force and any department employee acting on its behalf shall maintain the confidentiality of any information which is protected by law.

VI. The task force shall conduct a study of immediate and long-range informational needs concerning special education. This study shall include:

- (a) An analysis of the department of education's existing data bases and information systems to:
 - (1) identify all of the types of data elements being maintained by the department in its various data bases;
 - (2) develop an itemized statement of those types of data elements which are mandated by the federal government;
 - (3) identify the official sources of all such data elements;
 - (4) determine the methods used and relative frequency with which data are collected and processed;
 - (5) determine the number of separate forms involved in the collection of data;
 - (6) conduct an inventory of external and internal reports currently being generated by the systems, and prepare a list of report uses.

(b) Identification of data bases outside of the department which

maintain information related to special education.

(c) A list of the specific management inquiries which an integrated information system will be required to process.

VII. Based upon the information obtained through its review, the task force shall:

(a) Determine the relative usefulness of various types of data elements and reports and identify outdated and redundant data elements.

(b) Identify those state and federal reporting formats and schedules which may be modified to provide for more efficient collection and storage of essential data.

(c) Identify state and local agencies and any other organizations which are official sources of the information necessary for making decisions regarding special education.

(d) Identify those data elements and information which would be useful for making decisions regarding special education and which are currently not available; and identify practical, efficient solutions for collection of such data in the future.

VIII. The task force shall, on or before January 1, 1986, submit the results of its management information study to the state board of education and the standing committees of the house and senate having jurisdiction over matters relating to education. This written report shall include the following:

(a) A recommended plan and timetable for implementing an integrated management information system for collecting, processing and analyzing information, and for accessing and exchanging data and information with other users, including local school districts, the department of administrative services, and other state agencies. The plan shall include, but not be limited to, the following:

- (1) a statement of the means by which unnecessary data shall be purged from existing data bases;
- (2) a statement of the means by which data collection instruments shall be consolidated and refined to effect more efficient processing;
- (3) criteria to be used in determining whether data elements shall be retained by official sources or shared with the department of education or other agencies;
- (4) specific management inquiries essential for management of special education services in New Hampshire;
- (5) standardized definitions and procedures to be used in reporting special education expenditures and service levels.

(b) A section which lists specific recommendations for legislative action to ensure the timely and efficient flow of information between the department, school districts, and other state agencies.

IX. The task force report shall serve as the basis for that section of the

initial comprehensive state special education plan required by RSA 186-C:4, III(d).

8 Transfer. All of the functions, duties, powers, personnel, records, equipment and unexpended appropriations of the special education unit of the division of vocational rehabilitation, department of education, are hereby transferred to the special education bureau in the division of instructional services, department of education.

9 Interagency Agreements; Transition. All agreements between the commissioner of education and the commissioner of health and human services regarding services for educationally handicapped children in force as of the effective date of this act shall be amended to be consistent with the requirements of RSA 186-C:7-a, II and III, including a dispute resolution mechanism and provisions related to services for seriously emotionally disturbed children, by January 1, 1986.

10 Rate Setting Study Committee.

I. There is hereby established a special education rate setting study committee.

II. The study committee shall consist of 6 members appointed as follows: 3 members of the house committee on education appointed by the speaker of the house and 3 members of the senate education committee appointed by the president of the senate. The committee shall elect its own chairman.

III. The committee shall review the procedures used by the state to set rates to be charged by private providers of services to educationally handicapped children. This shall include a review of the manner in which the department of education has carried out its responsibilities to set these rates under RSA 186-C:7. In conducting its review, the committee shall familiarize itself with rate setting procedures being used by other departments, particularly the division of mental health and developmental services and the division for children and youth services of the department of health and human services.

IV. The committee shall issue its report, including any proposed legislation it deems necessary, to the presiding officers of the general court by January 1, 1986.

V. The department of education shall provide the committee with such information and technical assistance as is necessary to carry out its responsibilities. All state agencies and departments shall provide the committee with such information and assistance required by it to fulfill its responsibilities under this section.

11 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 346, establishing an instructional equipment special fund and making an appropriation therefor. Refer for Interim Study.

The intent and direction of this bill were confused by late developments and misunderstandings among intended participants. Interest is still high and further study will clear the misunderstandings. Vote 17-0. Rep. Ralph W. Pearson for Education.

HB 349-FN, relative to educationally related services. Ought to Pass with Amendment.

This bill clarifies the school districts' responsibilities with regard to when certain residential services will be considered educationally-related services. The section dealing with interagency agreements, as originally included with this bill, was inserted into HB 114, as amended. Vote 14-0. Rep. Wayne M. Burton for Education.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section; Educationally Related Services. Amend RSA 186-C by inserting after section 9 the following new section: 186-C:9-a Educationally Related Services.

I. Educationally related services shall be related to one or more educational objectives in the educationally handicapped child's individualized education plan.

II. Residential services shall be considered an educationally related service when necessary for an educationally handicapped child to benefit from special education and when placement in a residential facility has been made by the legally responsible school district in order to comply with RSA 186-C:9 or 11, or when a school district's decision is on appeal pursuant to rules adopted by the state board of education under RSA 186-C:16, IV.

2 Liability for Expenses; Clarification. Amend RSA 186-C:13 (supp) as inserted by 1981, 352:2 as amended by striking out said section and inserting in place thereof the following:

186-C:13 Liability for Expenses.

I. All expenses incurred by a school district in administering the law in relation to education for educationally handicapped children shall be paid by the school district where the child resides, except as follows:

(a) When an educationally handicapped child is placed in a home for children or health care facility as defined in RSA 193:27, the liability for the expenses for such child shall be determined in accordance with RSA 193:29.

(b) When an educationally handicapped child is placed in a state institution, the liability for the expenses for such child shall be determined in accordance with RSA 186-C:19.

II. No school district shall be required to pay the expenses of the education program of a child adjudicated under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C.

3 Effective Date. This act shall take effect July 1, 1985.

HB 382, requiring school administrative unit superintendents to prepare annual budget reports. Ought to Pass with Amendment.

This bill requires superintendents of all school administrative unions to prepare a report of all revenues and expenditures for the Department of Education and for each of the school districts in their supervisory union. Vote 13-0. Rep. Margaret A. Case for Education.

Amendment

Amend RSA 189:48, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Each superintendent of a school administrative unit shall at the close of each fiscal year prepare a report of all revenues and expenditures of the school administrative unit for the preceding fiscal year. The superintendent shall certify a copy of the report to the department of education and to each school board member of each school district in the school administrative unit within 60 days after the end of the fiscal year.

HB 384, relative to the time for holding school district elections in Claremont. Inexpedient to Legislate.

This bill is in direct conflict with HB 177. It is quite clear from testimony that this is a local issue that has split the community of Claremont and that the problem should be worked out at the local level. This should not be resolved by the Legislature at this time. Vote 16-0. Rep. Dennis R. Bolduc for Education.

HB 394-FN, relative to liability for educationally handicapped children who transfer to a different school district. Inexpedient to Legislate.

This bill addresses a recognized concern in which children with special educational needs may transfer/relocate from one school district to another school district and that the receiving district had not budgeted for the necessary programs for such youth. The Committee is sensitive to the issue, but believes this bill is not the best remedy. Other legislation which will address catastrophic aid and certain emergency funding will address this issue. Vote 14-0. Rep. James F. Kinhan for Education.

HB 402-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. Refer for Interim Study.

The Committee felt this bill should be held for further study in view of other pending legislation. The possible significant revision of settlement law now underway has implications for the content of this legislation. Vote 16-0. Rep. Wayne M. Burton for Education.

HB 421-FN, appropriating funds for facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. Ought to Pass with Amendment.

This bill is for the purpose of developing a demonstration program of in-state facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. The appropriation is in the Governor's budget. Vote 13-0. Rep. Jesse F. Davis for Education.

Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Findings and Purpose. Before passage of P.L. 94-142, the Education for All Handicapped Children Act, some severely handicapped children, including severely multihandicapped developmentally disabled children and severely emotionally disturbed children, received services provided through the New Hampshire department of health and welfare. Since the passage of P.L. 94-142, New Hampshire school districts have experienced growing pressure to assume full responsibility for providing services to certain categories of severely handicapped children, including residential and therapeutic services as well as educational services. Because the physical, emotional, and learning problems for these children are so severe, complex, and interrelated and because of the low incidence of this population throughout the school districts of the state, local school districts lack the expertise and financial resources to provide the necessary and required services in an efficient, cost-effective manner. Placement decisions are often based primarily on availability, not on appropriateness. Many of these children are placed in expensive out-of-state facilities. Since state funding is funneled through the local school districts, the responsibility for evaluation of the programs is diffused. Finally, as a result of the split responsibility between agencies, not enough appropriate residential placements have been developed in-state. Since out-of-state placements are more costly than in-state placements, the general cost finds it to be to the benefit of these children and the state to develop regional in-state facilities for these children.

2 New Section; In-state Services for Certain Severely Handicapped Children. Amend RSA 186-C by inserting after section 20 the following new sections:

186-C:21 Development of In-state Services for Severely Multi-handicapped Developmentally Disabled Children.

I. The special education unit of the department of education and the department of health and human services, division of mental health and developmental services, shall, subject to approval by the commissioner of education and the commissioner of health and human services, develop a joint plan for establishing a regional system of in-state, community-based

residential and educational services for severely multi-handicapped developmentally disabled children, ages 3-21. The plan shall also address the development of staff and educators with expertise in serving this population.

II. Under this plan the department of education shall be responsible for all services to severely multi-handicapped children, ages 3-21, established by a local pupil planning team in accordance with P.L. 94-142 and RSA 186-C, within the limits of appropriated funds.

III. The department of health and human services, division of mental health and developmental services, shall provide technical assistance to and cooperate with the department of education in the development of any programs under this joint plan.

IV. For children receiving services under this plan, the legally responsible school district shall be responsible for paying, each year, \$10,000 plus 20 percent of the additional cost, with the state funding the balance of the cost through funds appropriated to the department of education. For children receiving services under this plan, the legally responsible school district shall be determined in accordance with RSA 186-C:19, I(a) and (b).

V. For the purposes of this section "severely multi-handicapped children" shall be defined as a sub-category of those educationally handicapped children who are identified by local school districts as multi-handicapped, or severely or profoundly mentally retarded and who are provided with an individualized education plan in accordance with RSA 186-C:7.

186-C:22 Development of In-state Services for Severely Emotionally Disturbed Children.

I. The department of education, special education unit and the department of health and human services, division of mental health and developmental services, shall, subject to approval by the commissioner of education and the commissioner of health and human services, develop a joint plan for establishing a regional system of in-state, community based residential and educational services for severely emotionally disturbed children, ages 3-21. The plan shall also address the development of staff and educators with expertise in serving this population.

II. Under this plan the department of education shall be responsible for all services to severely emotionally disturbed children, ages 3-21, established by a local pupil planning team in accordance with P.L. 94-142 and RSA 186-C, within the limits of appropriated funds.

III. The department of health and human services, division of mental health and developmental services, shall provide technical assistance to and cooperate with the department of education in the development of any programs under this joint plan.

IV. For children receiving services under this plan, the legally responsible school district shall be responsible for paying, each year, \$10,000

plus 20 percent of the additional cost, with the state funding the balance of the cost through funds appropriated to the department of education. For children receiving services under this plan, the legally responsible school district shall be determined in accordance with RSA 186-C:19, I(a) and (b).

V. For the purposes of this section "severely emotionally disturbed children" shall be defined as a sub-category of those educationally handicapped children who are identified by local school districts as seriously emotionally disturbed and who are provided with an individualized education plan in accordance with RSA 186-C:7.

Referred to Appropriations.

HB 432-FN, making an appropriation to the small business development program. Inexpedient to Legislate.

The sponsor of the bill and the Director of the small business program wished this bill be reported out as Inexpedient to Legislate because this issue is addressed in the Governor's budget. Vote 16-0. Rep. Dennis R. Bolduc for Education.

HB 442-FN, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor. Ought to Pass.

Arising from the task force following the "Threat to Excellence Report," this bill received overwhelming acclaim during the hearings as supporting higher education and contributing to the economy of New Hampshire. Vote 13-0. Rep. Wayne M. Burton for Education.

Referred to Appropriations.

HB 446-FN, relative to catastrophic aid to school districts and making an appropriation therefor. Ought to Pass. The bill increases catastrophic special education to school districts from \$1,000,000 to \$3,000,000 and allows the State to designate up to \$250,000 of that aid for emergency assistance for special education. HB 446 is the Committee's alternative to HB 390 and HB 394 which were reported inexpedient. Vote 15-0. Rep. James H. Kinhan for Education.

Referred to Appropriations.

HB 455-FN, establishing a task force to develop a teacher evaluation model and training component and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a task force to develop a teacher evaluation model and training component. The task force will include legislators, teachers, parents, school administrators and other public and private citizens. Vote 14-0. Rep. Jesse F. Davis for Education.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Teacher Evaluation Model Task Force.

There is hereby established the teacher evaluation model or models and training component task force (task force).

2 Membership. The task force shall consist of the following members:

I. Ten persons, chosen by a majority vote of the state board of education, who shall meet the following criteria:

(a) Two public school teachers, one from an elementary school and one from a secondary school;

(b) One school board member;

(c) Two public school principals, one from an elementary school and one from a secondary school;

(d) One public school superintendent or assistant superintendent;

(e) Two parents of children who are attending or have attended a public school in the state;

(f) One person who is a member of and will represent the views of a professional teaching association; and

(g) One administrator of a post-secondary institution in the state.

II. One person who is an employee of the department of education to be appointed by the commissioner of education.

III. One member of the senate to be chosen by the president of the senate, and one member of the house of representatives to be chosen by the speaker of the house.

3 Chairman; Meetings. The task force shall choose a chairman from among its members and shall meet at least once a month. Seven members shall constitute a quorum and decisions shall be made by a majority of the members who are present and voting.

4 Duties. The task force shall be charged with the duty of developing an optional model or models for teacher evaluation and training. It is intended that the model shall:

I. Provide principals with a perspective on the characteristics that separate effective from less effective teacher evaluation systems.

II. Provide a framework for school principals to look seriously at the evaluation systems that now exist, particularly with regard to their purposes, procedures, instrumentation, and possible alterations or options to existing systems.

III. Provide all principals with appropriate training and guided practice in the skills and knowledge necessary to implement and effectively maintain improved teacher evaluation procedures.

IV. Recognize the need for the principals to have the time to accomplish the necessary evaluations including the following:

(a) Suggest a minimum time needed for meaningful evaluations;

(b) Suggest ways of freeing the principal from certain administrative duties to gain this time;

(c) Suggest the resources or personnel to take over these administrative duties for the principal;

(d) Suggest to the superintendent and school board an administrative structure or plan to provide the time necessary to accomplish meaningful evaluations.

5 Report; Public Hearing. The task force shall prepare a draft report for discussion at a public hearing at an appropriate time and place which shall be designated by the chairman of the task force. The task force shall revise the report, if it deems necessary, to include public comments received at the hearing. The revised report shall be submitted to the commissioner of the department of education no later than July 1, 1986. The report shall contain a framework for suggested methods of teacher evaluation and training.

6 Appropriation. The sum of \$144,291 for the fiscal year ending June 30, 1986, is hereby appropriated to the department of education for the purposes of funding the task force established by this act; provided, however, that at least \$50,800 of the sum appropriated in this section shall be used for training workshops and related activities. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 456-FN, relative to a forgivable loan program and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes a forgivable loan program for elementary and secondary teacher preparatory students enrolled in a subject designated by the Commissioner of Education as an actual or anticipated shortage area or have academic qualifications and potential to become an outstanding classroom teacher: amounts of \$500 to \$5,000 given as loans. The loan shall be forgiven up to the amount of \$3,000 for each full academic year the recipient spends teaching in a qualifying area. Vote 14-0. Rep. Patricia O. Sanderson for Education.

Amendment

Amend RSA 188-D:38, II(n) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(n) Determining what constitutes a full academic year under RSA 188-D:36 and 37.

(o) Such other items as may be necessary for the proper administration of this subdivision.

Referred to Appropriations.

HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor. Ought to Pass.

The Committee heard consistently strong positive testimony in support of this bill which provides an additional source of state support for the arts. Currently, New Hampshire ranks 48th among states in support of the arts. Testimony brought out the positive benefits of the "arts programs" as they are integrated within our schools and communities. It was demonstrated that arts and cultural events produce companion spending by supporters of these events/programs and this companion effect has positive implication for local businesses and indirectly to increased revenues through the room and meals tax. A strong arts/cultural program is solid base to encourage tourism. Arts make good business and is good for our spirits. Vote 15-0. Rep. James F. Kinhan for Education.

Referred to Appropriations.

HB 567, providing to school districts access to court records of certain educationally handicapped children. Ought to Pass.

This bill permits the court to provide school districts access to the court records of certain educationally handicapped children. The court is not required to release these records, but may release necessary information to school districts at the court's discretion. Except in limited circumstances, the school district may not disclose the records to any other individual or agency. Vote 12-0. Rep. Monte D. Rehlander for Education.

HB 737-FN, increasing the salaries for certain employees of the department of postsecondary vocational-technical education. Ought to Pass.

The purpose of this bill is to upgrade the classification of the Commissioner of Postsecondary Vocational-Technical Education; the Deputy Commissioner of Postsecondary Vocational-Technical Education; the President of the Technical Institute; the Presidents of the Vocational-Technical Colleges; the Deans of the Technical-Institute and the Vocational-Technical Colleges. Vote 10-2. Rep. Jesse F. Davis for Education.

Referred to Appropriations.

HBI 2005, relating to funding the arts through business contributions. Refer for Interim Study.

This bill of intent is to study whether the arts can be funded best by allowing businesses to take a credit or claim a deduction on their Business Profits Tax for any amount contributed to the arts, or, by establishing a matching grant program, or a combination of contributions to and deductions from Business Profits Tax and grants made by the State to match contributions made by individuals. Vote 13-0. Rep. Jesse F. Davis for Education.

HB 352, establishing a study committee to resolve the erosion problem affecting the New Hampshire coastline and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, directs that there be made a broad study of the coastal erosion problems. The Office of State Planning and the Governor's Coastal Advisory Committee will be responsible for making an interim report by December 15, 1985 and a final one by March 15, 1986. Rep. Roberta C. Pevear for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the office of state planning to undertake a study of the coastline erosion problems and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Study Authorized. The office of state planning, as the designated state agency responsible for the New Hampshire coastal program, is hereby authorized to undertake a study of coastline erosion problems and to consult with the governor's coastal advisory committee, appropriate state agencies, commercial fishing interests, and the United States Army Corps of Engineers. This study shall address the needs for harbor dredging, beach replenishment, storm protection structures and measures, and related matters and recommend desirable and cost-effective solutions. The office of state planning may employ engineering consultants within the limitations of the appropriation. Further, the office of state planning shall have authority to request and receive assistance from all other state agencies and departments in conducting its study. The office of state planning shall make maximum use of previous studies conducted by the Army Corps of Engineers and others and shall submit an interim report on the status of the project to the speaker of the house, president of the senate, and the governor and council not later than December 15, 1985. The office of state planning shall make a report of its findings and recommendations not later than March 15, 1986.

2 Appropriation. The sum of \$10,000 is hereby appropriated for the fiscal year ending June 30, 1986, for the purpose of matching a federal grant from the Office of Ocean and Coastal Resource Management, for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. Should federal funds not become available during fiscal year 1986, authorization for this

study shall be terminated and the matching funds shall be returned to the general fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 263, relative to legal counsel for the New Hampshire retirement system.

Inexpedient to Legislate.

This bill was withdrawn by the sponsor because a recent court decision has made it unnecessary. Vote 18-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 460-FN, relative to the board of examiners of psychologists and making an appropriation therefor. Ought to Pass.

This bill's testimony puts forth a precedent, which is the CPA examination and the appropriation would be the same. This lack of testing funds is a potential restraint of earning power for individuals. Vote 20-0. Rep. William F. McCain for Executive Departments and Administration.

Referred to Appropriations.

HB 464-FN, making an appropriation for the hiring of building service workers.

Inexpedient to Legislate.

Although the Committee is sympathetic, it feels this should be taken care of in the budgetary process. Vote 21-0. Rep. Patricia T. Russell for Executive Departments and Administration.

HB 471-FN, transferring certain division of forests and lands employees of the department of resources and economic development from group I to group II of the New Hampshire retirement system and making an appropriation therefor. Inexpedient to Legislate.

These employees were transferred from Group I to Group II by the Retirement Board, with the understanding there would be no backcharges to either the employee, the Retirement Board or the State. Vote 18-1. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 494, requiring the licensing of child care workers. Refer for Interim Study.

This bill addresses an area already being worked on to some extent by Public Health. Inasmuch as it is an extremely sensitive and vitally important area, considerable study should be done to insure that the action finally taken is the best solution, not just a bandaid. Vote 20-0. Rep. Steven J. McCue for Executive Departments and Administration.

HB 608-FN, establishing a nurse registration and education revolving fund. Inexpedient to Legislate.

This bill could have a serious impact on the general fund and does require it to be Inexpedient to Legislate. Vote 15-0. Rep. Patricia T. Russell for Executive Departments and Administration.

HB 503, relative to delinquent trappers' reports. Ought to Pass with Amendment.

Amendment to HB 503 clarifies the procedure by which the Fish and Game Department may collect a late filing fee for delinquent trappers for report. Vote 17-1. Rep. Robert D. Hussey for Fish and Game.

Amendment

Amend RSA 210:21 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

210:21 Report of Catch.

I. On or before April 15 of each year, every person licensed to take fur-bearing animals shall file with the executive director a report of his catch for the current trapping season. The executive director shall furnish blanks for the report.

II. Trappers who fail to submit furbearer reports or who submit reports postmarked later than May 15 shall be notified by certified mail by the executive director that they are delinquent. Such trappers shall be charged \$25 as a late filing fee. This notification shall also state that since the reports were not received or postmarked by May 15 the trapper is guilty of a violation.

III. Any licensee failing to file the report required in RSA 210:21 by May 15 shall be refused a license in the next succeeding trapping season. Any person whose license has been denied under this section may appeal in person to the executive director stating reasons for the delinquency of the report. The decision of the executive director shall be final.

HB 783-FN, relative to the number of commercial fishermen licenses for the taking of lobsters in the coastal waters of the state. Inexpedient to Legislate.

All of the testimony agreed the bill needed work. The Committee felt Inexpedient to Legislate would give all of the interested parties a chance to get together and come up with a bill they can agree on. Vote 17-0. Rep. David M. Scanlan for Fish and Game.

HB 416-FN, making an appropriation to increase the amount allocated for rent in the AFDC grant. Ought to Pass with Amendment.

The purpose of the bill is to increase the rental portion of AFDC grants in order to keep pace with inflation. The present level of rental support is inadequate for the present New Hampshire housing market available to AFDC families. Rep. Scott E. Green for Health and Human Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making an appropriation to increase the amount allocated for shelter costs in the AFDC grant and to allow consolidation to one shelter maximum and one basic maintenance allowance table.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$2,000,000 is hereby appropriated to the division of human services, department of health and human services, for the biennium ending June 30, 1987, for the purposes of increasing the amount allocated for shelter costs in the grant for aid to families with dependent children, and to allow consolidation to one shelter maximum and one basic maintenance allowance table. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 361, relative to loitering. Ought to Pass with Amendment.

This bill would bring the New Hampshire statute on loitering into conformity with a recent United States Supreme Court ruling. It gives police officers specific standards to be used in such cases. It also repeals a statute concerning detention of suspects who have not been arrested which was struck by the New Hampshire Supreme Court in 1979. The amendment adds a definition not included in the original bill. Vote 14-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend RSA 644:6 as inserted by section one of the bill by inserting after paragraph III the following new paragraph:

IV. In this section, "entrances" means any part of a structure through which entry or egress could be made.

HB 363, relative to the issuance of bad checks. Ought to Pass with Amendment. This bill standardizes the process for notifying an individual that he has issued a bad check and establishes a standard of evidence for prosecution if the actor fails to make good on the returned check after notification. Vote 8-4. Rep. Daniel A. Eaton for Judiciary.

Amendment

Amend RSA 638:4, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. It is an affirmative defense that the actor paid the amount of the check, together with all costs

and protest fees, to the person to whom it was due, within 14 days after having received notice that payment was refused. The actor's failure to make such payment within 14 days after receiving notice that payment was refused shall be prima facie evidence of a violation of paragraph I of this section.

HB 395, establishing a commission on the family and making an appropriation therefor. Inexpedient to Legislate.

There is concern on the Committee that the definition of family is not broad enough in this bill. It appears to deal with divorce problems primarily, which problems the Committee feels can be more effectively dealt with through other bills coming from the Commission to Study Alternative Procedures in Marital Questions. Vote 12-1. Rep. Elizabeth D. Lown for Judiciary.

HB 398-FN, relative to mandatory mediation and making an appropriation therefor. Ought to Pass with Amendment.

This is a two-year pilot program suggested by the Commission on Marital Questions which has studied the subject for two years. The idea of this bill is that there would be one informational session explaining the non-adversarial nature of mediation. If, after this session, the parties in question choose not to pursue mediation as an alternative to the normal judicial process, they have that right. Vote 12-3. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Program Established; Contested Issues; Mandatory Mediation Experiment.

I. This section shall apply only to one county in the state to be chosen by the chief justice of the superior court. The program shall expire on September 1, 1987, unless renewed by the legislature.

II. In any proceeding where there is at issue the custody of or visitation with a minor child, and where it appears on the face of the petition or other application for an order or modification of an order for the custody or visitation of a child or children that either or both such issues are contested, the matter shall be set for one informational session of mediation of the contested issues prior to or concurrent with the setting of the matter for hearing. A second session may be required in the discretion of the mediator. Further sessions may be scheduled by agreement of the parties and the mediator. The purpose of mediation is to develop an agreement which will assure the child or children's best interest. The mediators shall use their best efforts to assist the parties to effect a settlement of the custody or visitation disputes.

III. The superior court shall make available a mediator or an approved list of

mediators who have been trained and certified pursuant to such rules and requirements as are established by the superior court. Such mediator may be an attorney, any person certified under RSA 330-A, a member of the professional staff of a mental health services agency, a mediator with the New Hampshire Mediation Program, Inc., or any other person designated by the court. The parties may agree upon who shall serve as the mediator, subject to approval by the superior court. If no mediator is agreed upon, the superior court shall appoint the mediator.

IV. Mediation sessions shall be held in private, no mediator shall be required to testify in any further court proceedings nor shall any mediator otherwise disclose the content of the mediation sessions. No admissions made by the parties during mediation sessions shall be admissible in further court proceedings.

V. The mediator may interview the child or children when the mediator deems such interview appropriate or necessary.

VI. If the mediation is successful in resolving any of the custody or visitation issues, then such agreement shall be reduced to writing, signed by each party and counsel, if any, and guardian ad litem, and submitted to the court for approval. Upon the court entering a written order, the mediation agreement shall be considered binding. In the event that no agreement is reached or the mediation and agreement is not signed by both parties and counsel, if any, and guardian ad litem, and approved by the court, then such agreement is not binding and the mediation shall be considered unsuccessful. In any event, the mediator shall notify the court when the mediation has been concluded. If mediation is not successful, the mediator shall report only that fact.

VII. No case shall be referred to mediation or be continued there by the court where it appears to either the court or the mediator, or either party asserts, that abuse as defined in RSA 173-B or RSA 169-C has occurred, unless the alleged victim under RSA 173-B requests mediation and the mediator is made aware of the alleged abuse.

VIII. A guardian ad litem shall be appointed in all mediated cases. With court approval, the representation of the guardian ad litem may continue in subsequent proceedings.

2 Committee Established.

I. There is hereby established a study committee to review and evaluate the program as established by this act which shall consist of the following 5 members:

(a) Two members of the house of representatives, appointed by the speaker of the house;

(b) Two members of the senate, appointed by the president of the senate; and

(c) One person who has knowledge of marital dispute resolution issues, appointed by the chief justice of the superior court.

II. The legislative members of the committee shall receive legislative mileage. Any nonlegislative member of the committee shall receive mileage at the state

employee rate. Any sums expended under this section shall be a joint legislative expense.

III. The committee shall elect a chairman from among its members.

IV. The committee shall submit a report of its recommendations to the speaker of the house of representatives, the president of the senate, and the chief justice of the superior court no later than January 1, 1988.

3 Preparation. During the time period of July 1, 1985, through September 1, 1985, the superior court chosen by the chief justice shall prepare to implement the mediation program established by this act. The pilot program shall be in effect in that county no later than September 1, 1985.

4 Appropriation. The sum of \$20,000 is hereby appropriated for the biennium ending June 30, 1987, to the supreme court for the mediation program established by section 1 of this act. These funds shall not lapse until September 1, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 399-FN, establishing a domestic relations commissioner pilot program and making an appropriation therefor. Refer for Interim Study.

This bill is also the product of the Commission on Marital Questions and the Committee feels that the idea of a domestic relations pilot program needs to be looked at in more depth. Therefore, the Committee urges Interim Study. Vote 14-0. Rep. Elizabeth D. Lown for Judiciary.

HB 401-FN, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. Refer for Interim Study.

This bill has merit, but because of the time pressures, the Committee is requesting Interim Study and will prepare to submit it in the next session after more investigation. This bill is also the product of the Commission to Study Alternative Procedures in Marital Questions. Vote 12-2. Rep. Elizabeth D. Lown for Judiciary.

HB 586, relative to a technical amendment of the Uniform Securities Act. Ought to Pass.

Share exchanges, which are contemplated under this bill, need to be added to the Uniform Securities Act. Vote 12-1. Rep. Thomas U. Gage for Judiciary.

HB 612-FN, relative to the administration of the alcohol education programs. Ought to Pass with Amendment. This bill authorizes the Director of the Office of Alcohol and Drug Abuse Prevention to charge a fee to cover the costs of monitoring and certifying alcohol education programs for drunk drivers. It is in keeping with

legislative intent that these programs be run at no cost to the State. The amendment provides that the fee shall not exceed \$15 per client. Vote 15-0. Rep. Paul Johnson for Judiciary.

Amendment

Amend RSA 172-B:2-a, III(c) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(c) A fee not to exceed \$15 per client to be paid by program providers to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.

HB 590, relative to the counsel for the department of employment security and that department's representation in court. Ought to Pass with Amendment.

This bill provides that House Counsel to the Department of Employment Security may appear in civil proceedings in the collection of taxes and overpaid benefits. Now, the Attorney General's Office has to appear and there is a backlog of work. The measure will help to expedite these civil proceedings. The amendment takes care of a rewording from "overpayment of benefits" to "overpaid benefits." Vote 12-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Amendment

Amend RSA 282-A:137 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

282-A:137 Representation in Court. The attorney general, upon his own initiative or upon the request of the commissioner, may enforce the provisions of this chapter, or any rules adopted under this chapter, by any appropriate proceeding, criminal or civil, legal or equitable, in any court. Subject to the approval and supervision of the attorney general, the general counsel and counsel of the department may appear in any court on civil proceedings in the collection of taxes and overpaid benefits.

HB 333-FN, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks. Ought to Pass with Amendment.

This bill will help all tax collectors in the tax sale process. Also, it will protect all communities where private ownership of hazardous waste facilities fail to pay property taxes. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Notice by Purchaser. Amend RSA 80:28 (supp) as amended by striking out in line 15 the number "15" and inserting in place thereof the following (30) so that said section as amended shall read as follows:

80:28 Notice by Purchaser to Mortgagee. The purchaser of any real estate sold by a collector of taxes, within 45 days from the date of such sale, shall notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. In the event that a person holds a mortgage on more than one piece of property, a listing of the property may be forwarded by the purchaser. Whenever a town becomes such a purchaser and the selectmen thereof determine that one or more outstanding mortgages exist, they may direct the collector of taxes to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in RSA 80:37 for notifying any mortgagee of a payment after sale. Such notice shall give the date of the tax sale, the name of the delinquent taxpayer, the total amount for which said real estate was sold and the amount of costs for notifying mortgagees. As provided in RSA 80:37, the tax collector shall send a similar notice to any mortgagee within 30 days of the time of payment of any subsequent tax thereon by the purchaser. Any tax sale of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said sale shall be valid unless the mortgagees shall have been notified in the manner provided in RSA 80:29, but the tax and any subsequent tax payments made upon the property shall be collectible and payment may be enforced by suit under the provisions of RSA 80:50.

7 Tax Deed. Amend RSA 80:38 (supp) as amended by striking out said section and inserting in place thereof the following:

80:38 Tax Deed.
I. The collector, after 2 years from the sale, shall execute to the purchaser, his heirs or assigns, a deed of the land so sold and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I,, collector of taxes for the Town of, in the County of and State of New Hampshire, for the year 19....., by the authority in me vested by the laws of the state, and in consideration of to me paid by, do hereby sell and convey to him, the said, his heirs and assigns, (here describe the land sold), to have and to hold the said premises with the appurtenances to him,, his heirs and assigns forever. And I do hereby covenant with said, that in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the day of,

Signed, sealed and delivered in the presence of.....

II. Notwithstanding the provisions of paragraph I, the collector shall not execute a deed of the real estate where the purchaser is a municipality which has purchased the real estate at a tax sale for the payment of taxes, and the municipality has notified the collector that it shall not accept the deed because acceptance would subject the municipality to potential liability as an owner of property under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 *et seq.*, the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 *et seq.*, RSA 147-A and 147-B, and any other federal or state environmental statute which imposes strict liability on owners for environmental impairment of the real estate involved.

8 Effective Date. This act shall take effect 60 days after its passage.

HB 334-FN, relative to the licensing of dogs. Ought to Pass with Amendment.

The bill will improve the registration process of dogs by the owner with city and town clerks. Vote 16-1. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Yearly Fee. Amend RSA 466:6, IV as inserted by 1977, 356:2 as amended by striking out said paragraph and inserting in place thereof the following:

IV. No fee shall be required for dogs which are under the age of 3 months.

4 Effective Date. This act shall take effect May 1, 1986.

HB 418-FN, relative to motor vehicle registration fees. Ought to Pass with Amendment.

This bill clarifies the local motor vehicle registration process. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 104-FN, relative to sunset review of the pari-mutuel commission. Ought to Pass with Amendment.

The Pari-Mutuel Commission is renewed for six years by HB 104, as amended. The amendment increases the Commission to seven members per recommendation of the Subcommittee and also requires cities and towns that have approved dog racing, but have not issued a license in ten years, must vote for approval again before a license is issued. Vote 14-0. Rep. Robert P. Mason for Regulated Revenues.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Pari-Mutuel Commission. Amend RSA 284:6-a, I (supp) as inserted by 1971, 541:18 as amended by striking out said paragraph and inserting in place thereof the following:

1. There shall be a state pari-mutuel commission consisting of 7 members appointed by the governor with the advice and consent of the council. Three of the members shall represent the interests of greyhound racing. Three of the members shall represent the interests of thoroughbred horse racing and harness horse racing. One of the members shall be an at-large member of the commission. Each member shall hold office for a term of 3 years and until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term. Annually, one member shall be chosen as chairman by the commission, and one shall be chosen as secretary.

4 Local Option. Amend RSA 284:15-c as inserted by 1971, 541:8 by striking out said section and inserting in place thereof the following:

284:15-c Local Option. No license shall be issued by the commission for holding a dog race meet in any city or town until the city or town at an annual or special meeting called for the purpose has, by majority vote of these voting on the question, approved of the issuance of a license in the city or town. Approval by the voters under this section shall be valid for 10 years. If no license is issued within 10 years from the date of approval, a subsequent vote of approval shall be required before a license shall be issued by the commission.

5 Effective Date. This act shall take effect upon its passage.

HB 511, requiring special agents to complete a preparatory police training program. Ought to Pass.

The Committee felt that this bill was necessary to improve the future of the liquor enforcement division of the Liquor Commission. Vote 15-0. Rep. Robert R. Blaisdell for Regulated Revenues.

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, creates a broadly based authority to deal with complex issues in the Connecticut River Valley. The amendment (1) strengthens the continuing commitment to upgrade water quality in the river; (2) extends membership in the authority to the Connecticut River Valley Watershed Council and the Director of the Water Supply and Pollution Control Commission or his designee; (3) insists on cooperation with the Office of State Planning and comprehensive plans for

water management; (4) provides guidelines for communities to protect the scenic character of the Valley; (5) extends to local communities matching funds of up to 50% for acquisition of rights and easements of land consistent with criteria established by the authority for same; (6) calls for Sunset Review in conjunction with the Department of Parks timetable. Vote 16-2. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend RSA 227-E:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

227-E:1 Purpose. The purpose of this chapter is to increase the recreational potential and to enhance the tourist economy of the Connecticut River Valley region while protecting its visual, ecological and agricultural integrity through the identification, protection and promotion of its natural, recreational, cultural and historical resources and while upgrading water quality. The Connecticut River Valley resource authority created by this chapter shall serve as the mechanism for attaining these goals.

Amend RSA 227-E:4 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

227-E:4 Membership of Authority.

I. The authority shall consist of 19 members as follows:

- (a) A member of the North Country Council, designated by the council;
- (b) A member of the Upper Valley-Lake Sunapee Council, designated by the council;
- (c) A member of the Southwest Regional Planning Commission, designated by the commission;
- (d) A member of the Connecticut River Valley Watershed Council, Inc., designated by the council;
- (e) A representative of a local conservation organization;
- (f) A representative of a recognized statewide conservation organization;
- (g) A representative of the commercial tourism industry;
- (h) A representative of the business community;
- (i) A representative of the agricultural industry who shall be actively engaged in farming;
- (j) A representative of the forest product industry or a timberland owner;
- (k) The director of the office of state planning or his designee;
- (l) The commissioner of the department of public works and highways or his designee;
- (m) The chairman of the water resources board or his designee;
- (n) The executive director of the water supply and pollution control commission or his designee;

(o) The executive director of the department of fish and game or his designee;

(p) The commissioner of the department of agriculture or his designee;

(q) The director of the division of parks and recreation, department of resources and economic development, or his designee;

(r) The director of the division of economic development, department of resources and economic development, or his designee; and

(s) A representative of the state of Vermont appointed by the governor of Vermont.

II. The governor and council shall appoint the members designated in paragraph I, (e) through (j). These members shall all be residents of the Connecticut River Valley and shall serve 3 year terms, provided that the initial appointments shall be 2 for a term of one year, 2 for a term of 2 years, and 2 for a term of 3 years. The members appointed under subparagraphs (a), (b), (c), (d) and (s) shall serve 3 year terms.

III. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall hold office until their successors are appointed and qualified.

IV. The members listed in paragraph I (k) through (s) shall be nonvoting ex officio members.

Amend RSA 227-E:6 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

227-E:6 Power and Duties. In performing its duties, the authority shall cooperate with the office of state planning and shall conform its activities to be in harmony with any state comprehensive plan for water management. The authority shall:

I. Conduct a comprehensive inventory and assessment of all private and public recreational facilities, historical and cultural resources, agricultural lands, and other natural resource areas which serve to preserve and protect the visual and ecological integrity of the Connecticut River Valley.

II. Coordinate the development of regional promotional programs and other incentive programs for established and future recreational facilities, resources, and services using existing public and private mechanisms.

III. Initiate and encourage interstate cooperation and participation with the state of Vermont for the promotion and protection of the Connecticut River Valley as a recreational and cultural resource.

IV. Cooperate with local communities and regional planning commissions to:

(a) Protect and enhance the Connecticut River Valley's unique natural character.

(b) Identify priority recreational facilities and land in accordance with local and regional recreational needs.

(c) Identify issues of concern.

V. Provide suggested guidelines to local communities and regional planning commissions which will protect the scenic character of the Connecticut River Valley.

VI. Review and evaluate similar river and watershed protection efforts and regional promotion programs.

VII. Investigate, identify, accept and expend additional public and private funds for the:

(a) Purpose of establishing incentives for the expansion of recreational facilities.

(b) Development of recreational opportunities and providing additional public access to recreational areas in the Connecticut River Valley.

(c) Effective administration of the authority in fulfilling its statutory responsibilities.

(d) Protection of the agricultural, historical and natural resources of the Connecticut River Valley.

VIII. Purchase or accept gifts or grants of development rights, conservation easements, and titles to or other interests in land having important recreational, historical, natural, and cultural qualities. The authority shall by rule establish criteria for the acquisition and management of interests in land after consultation with appropriate private and public organizations and agencies.

IX. Evaluate applications from local communities for funding for the purchase by such communities of development rights, conservation easements, and titles to or other interests in land having important recreational, historical, natural, and cultural qualities. The authority may award grants of up to 50 percent of the cost for such purchases from funds appropriated to the authority for the purchase of such interests in land. The authority shall evaluate the applications in accordance with criteria adopted under RSA 227-E:7, I.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Sunset. There is hereby created a PAU for the Connecticut River Valley resource authority established by section one of this act which shall expire on the same date as the PAU for the division of parks and recreation, department of resources and economic development, is scheduled for expiration, unless reviewed by the general court under RSA 17-G.

Referred to Appropriations.

HB 450-FN, relative to the control and eradication of milfoil, authorizing additional personnel and making an appropriation therefor and repealing an obsolete provision. Ought to Pass with Amendment.

As amended, this bill directs UNH, Department of Life Sciences and Agriculture to gather all available information and conduct its own research

on the control and eradication of *Myrsiophyllum Heterophyllum* (milfoil). The report shall also be submitted to the appropriate committees of the House and Senate. Vote 21-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a research program for eradication and control of milfoil at the University of New Hampshire and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Research Program Established. A research program for the eradication and control of the exotic weed known as milfoil is hereby established at the university of New Hampshire under the direction of the dean of the college of life sciences and agriculture. The university of New Hampshire may grant moneys for research projects to qualified individuals to the extent funds are available. All research proposals shall be carefully considered by the university to determine their feasibility and environmental safety.

2 Appropriation. The sum of \$25,000 is hereby appropriated to the university of New Hampshire for the biennium ending June 30, 1987, for research, eradication and control of *Myriophyllum heterophyllum* (milfoil). This appropriation shall be in addition to any other appropriation made to the university of New Hampshire for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Report Required. The dean of the college of life sciences and agriculture shall make a report to the president of the senate, speaker of the house of representatives and to the appropriate committees of the senate and house on or before September 1, 1986.

4 Repeal. RSA 149-F:5, relative to funding, is hereby repealed.

5 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 459-FN, establishing a local water protection assistance program and making an appropriation therefor. Ought to Pass with Amendment.

The bill addresses a real need to enlist the participation of municipalities in protection of the state's water resources. It also provides technical assistance aid to the local jurisdictions to develop appropriate measures. The administration of the program will be by the Office of State

Planning aided by the regional planning commissions. Vote 18-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 4 by inserting after section 12-p the following new subdivision:

Water Protection Assistance Program

4:12-q Water Protection Assistance Program; Establishment and Purpose. There is hereby established within the office of state planning, hereafter referred to as the office, the water protection assistance program. The purpose of the program is to encourage and assist municipalities individually and, where appropriate, collectively, to evaluate their water resources and to develop local and regional measures for the protection of both ground and surface water. The program shall recognize the interdependency of municipalities which lie within a common watershed and shall facilitate cooperative planning for the management and protection of common water resources. By providing a range of technical assistance, the program shall help municipalities to exercise powers within their jurisdictions, including, but not limited to, land use regulation, to enhance water protection measures and to ensure the continued availability of this resource.

4:12-r Program Administration.

I. The office shall develop criteria for water protection and suggested model language to guide municipalities in the development of local water resource management and protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. Such criteria and model language shall be prepared by the office with the assistance of appropriate state and other experts and shall reflect the experience of regional planning commissions.

II. The program shall be implemented by the office primarily through the established regional planning commissions. Other technical services and advice, including that available from the university system of New Hampshire, may also be utilized. The program shall be coordinated with plans and programs of other state agencies, especially those of the water supply and pollution control commission, the water resources board, the wetlands board, and the division of waste management, hereinafter referred to collectively as the water agencies. The office may authorize regional planning commissions to perform specific phases of the administration of this subdivision, especially the collaboration with municipalities.

4:12-s Technical Assistance. The office may employ necessary personnel to serve as technical coordinators who shall be

knowledgeable in water resources protection and who shall provide the needed guidance and competence to assist both the regional planning commissions and municipalities in developing appropriate measures for protecting water resources.

4:12-t Local Water Resources Management and Protection Plans.

I. Through participation in the water protection assistance program, each municipality should prepare, adopt and include in its master plan a local water resources management and protection plan, hereinafter referred to as the local water plan, which is consistent with the criteria established by the office under RSA 4:12-r. Prior to adoption by a municipality, the local water plan shall be submitted to the office for verification that the plan is consistent with the established criteria. In accordance with recommended procedures for effective master planning which call for continuing evaluation, and in accordance with the provisions of RSA 674:2, the local water plan shall be reviewed and updated from time to time as changed conditions and new information justify. Revisions to the local water plan shall be submitted to the office, prior to adoption, for review and comment regarding consistency with the office's established criteria.

II. Municipalities should strengthen the effectiveness of their local water plans by adopting ordinances and taking other appropriate measures to ensure implementation of water protection measures consistent with their plans. Assistance shall be available through the program to advise municipalities on such appropriate measures.

III. If a municipality determines there is an immediate need to provide guidance for site review activities or to prevent deterioration of a critical water resource, it may adopt temporary measures for protection of such water resources after consultation with the office. The measures shall be valid for a period of 12 months.

2 Master Plan; Conservation and Preservation Section. Amend RSA 674:2, VIII (supp) as inserted by 1983, 447:1 by striking out said paragraph and inserting in place thereof the following:

VIII. A conservation and preservation section which may provide for the preservation, conservation, and use of natural and man-made resources. The conservation and preservation section of the master plan should include a local water resources management and protection plan as specified in RSA 4:12-t. This plan should be reviewed and revised as necessary at intervals not to exceed 5 years.

3 Report to the General Court. The office of state planning shall submit a report to the general court on the effectiveness of this act in achieving the purposes described in RSA 4:12-q, including municipal acceptance and utilization of the program, the number of municipalities which have implemented water protection measures, some measure of the effectiveness of measures taken, and recommendations regarding the continuation and improvement of the program. The report shall be due on or before June 30, 1986.

4 Appropriation. The sum of \$200,000 for the biennium ending June 30, 1987, is hereby appropriated to the office of state planning for the purpose of implementing this act. The appropriation is in addition to any other funds appropriated to the office of state planning. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 466-FN, relative to highway billboards, off and on premise signs. Ought to Pass with Amendment.

This bill represents the recommendations of the Committee established by 1983 HCR 11 to address the issue of visual pollution of New Hampshire's highways. The bill provides rental of advertising space on limited access facilities, development of cooperative information services at rest areas coordinated and controlled through the Office of Vacation Travel and DRED. It also provides for reclassification of highways from time to time. Vote 17-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 236:86, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. The development of a cooperative information service at any rest area is authorized. Such service shall be coordinated and controlled through the office of vacation travel in the department of resources and economic development, with the cooperation of the department of public works and highways, and these agencies shall have the responsibility of training any personnel who may be hired. Expanded services may include, but not necessarily be limited to, sign plazas, racks for advertising brochures, and a staff person to assist travelers.

Amend RSA 236:74, II(a) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(a) Advertising devices may be erected with, but only with, an area not exceeding 450 square feet and with a maximum height of 20 feet and a maximum length of 50 feet, excluding border and trim, base or apron, supports and other structural members; provided that the commissioner shall permit the maintenance of devices of larger size if lawfully erected prior to the effective date of this subdivision and otherwise permitted by the provisions of this subdivision.

Amend RSA 236:73, III(c) as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

(c) Further provided that for the purposes of this section none of the

following shall be deemed to be an on-premise sign: any advertising device larger than 4 feet in height or length, or 16 square feet in area, excluding border and trim, base or apron, supports and other structural members, that consists principally of a brand name or trade name and the product or service advertised is only incidental to and inconsistent with the principal business activities conducted upon the same property; any advertising device larger than 4 feet in height or length, or 16 square feet in area, excluding border and trim, base or apron, supports and other structural members, that advertises any activity other than allowed by RSA 236:73, III, (a), (b), (c), or (d), and the property upon which the device is placed contains no improvement related to the advertised activity; and any advertising device that brings rental income to the property owner or his agent.

Amend the bill by striking out all after section 10 and inserting in place thereof the following:

11 Protection of Trees. Amend RSA 236:74, I, by inserting after subparagraph (c) the following new subparagraph:

(d) The cutting, removal or inhibiting the growth of trees or other vegetation within state-owned highway rights of way solely for the purpose of providing or enhancing the view of an outdoor advertising device shall be prohibited. Notwithstanding this provision, undesirable growth may be trimmed or removed in keeping with best highway maintenance and silvicultural practices as determined by the commissioner of public works and highways.

12 Repeal. The following are hereby repealed:

I. 1979, 340 and 1981, 158, relative to the study commission for the removal of advertising devices.

II. 1981, 568:82, relative to expending funds on completion of the study provided for in 1979, 340:1 as amended.

13 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 560, establishing a study committee relative to licensing power boat operators. Ought to Pass with Amendment.

This bill establishes a study committee relative to licensing of operators of entirely or partly power propelled water borne vehicles. The amendment specifically states the areas to be included in the study as well as the composition of the Committee. Vote 14-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a study committee relative to licensing of operators of entirely or partly power propelled water borne vehicles.

Amend paragraph I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established a study committee, consisting of 13 members, 7 voting and 6 nonvoting members, to study in depth the feasibility of licensing operators of entirely or partly power propelled water borne vehicle in New Hampshire. The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary for the purposes of this act. The committee shall consider as part of its study:

(a) Whether New Hampshire should require operators' licenses for boat operators;

(b) Whether boating education programs should be a prerequisite to licensing;

(c) At what age boat operators should be licensed;

(d) How boat operator licensing would affect nonresident boaters;

(e) Whether boat operator licensing should apply to all boats or only certain classes of boats.

HB 396, relative to special moped licenses. Inexpedient to Legislate. Even though the sponsor of this bill made some good points, the Committee felt that interfering with present regulations would be unwise. Also, the practicality of using the moped for the purposes outlined seemed questionable. Vote 12-0. Rep. Edward J. Crotty for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 734-FN, relative to child support enforcement. Ought to Pass.

The Department of Health and Human Services requested this bill to aid in the collection of child support payments from parents who default. Much of this legislation is mandated by new federal law. Vote 16-0. Rep. Rick J. Newman for Children, Youth and Elderly Affairs.

Referred to Appropriations.

HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program. Ought to Pass with Amendment.

The Committee considered that only 32% of New Hampshire High School seniors go on to college compared with the national average of 65%, that only 25% of "A" and "B" New Hampshire High School students go on to college, and that of 10,000

students applying only 1,400 received grants under present funding, and those grants averaged only less than \$400. This was convincing to the Committee. Vote 11-0. Rep. William A. Riley for Education.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. Amend RSA 188-D:10 (supp) as inserted by 1976, 27:2 by striking out said section and inserting in place thereof the following:

188-D:10 Program Established; Purpose. There is hereby established the New Hampshire incentive program to provide grants for the benefit of residents of the state seeking or pursuing programs of study at postsecondary institutions within and without the state. The purpose of the program is to provide an economic incentive to academically qualified students to continue their education at an accredited postsecondary institution. It is further intended that grants awarded under this chapter shall not be used to displace any other scholarships or grants which might be awarded to the recipient.

2 Rulemaking; Criteria for Awarding Grants. Amend RSA 188-D:11, I(d) (supp) as inserted by 1976, 27:2 by striking out said subparagraph and inserting in place thereof the following:

(d) Adopt rules, under RSA 541-A, relative to the criteria for awarding grants and loan incentives under this subdivision, including grants to be used at institutions outside the state within the limits of RSA 188-D:13, II, which criteria shall incorporate the following factors:

(1) The actual cost of education, including, but not limited to, room, board, tuition, books, and any other fees imposed by the institution.

(2) The total amount of family contribution including, but not limited to, parental contributions, student work study, earnings, savings and loans, and aid from the postsecondary institution in any form, including loans and grants.

3 Grant Limit Raised. Amend RSA 188-D:13, II (supp) as inserted by 1976, 27:2 by striking out said paragraph and inserting in place thereof the following:

II. All grants made by the postsecondary education commission under this subdivision shall be for the period of one academic year and in specified amounts of not less than \$500 nor more than \$3,000 within the limits of the criteria set forth in the rules adopted by the postsecondary education commission.

4 Demonstrated Need; Debt Burden. Amend RSA 188-D:13, III (supp) as inserted by 1976, 27:2 by striking out said paragraph and inserting in place thereof the following:

III. No grant shall be made which does not include a self-help requirement by the recipient. Self-help may be in the form of either work or loans, and demonstrated need shall be defined as the applicant's

cost of education minus the family contribution and the self-help factor determined under the rules adopted by the postsecondary education commission. All grants awarded under this subdivision shall be for the purpose of reducing the demonstrated need of qualified applicants before any grant is awarded to a qualified applicant for the purpose of reducing the debt burden of the recipient or his family. When the grant is awarded for the purpose of reducing the debt burden of the recipient or his family the commission shall require proof that the grant is being used for this purpose. No grant shall be in excess of the tuition charged the student for the academic year in which the grant is received nor when combined with the mandated self-help contribution of the student will exceed the cost of education at the eligible postsecondary institution for that year.

5 Eligibility. Amend RSA 188-D:13, IV (supp) as inserted by 1976, 27:2 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Any student who has been accepted at a postsecondary institution shall be eligible to receive a grant under this subdivision. No person to whom a grant is made shall be restricted as to the choice of program or postsecondary institution approved by the postsecondary education commission either inside or outside of the state.

6 New Sections. Amend RSA 188-D by inserting after section 13 the following new sections:

188-D:13-a Individual Awards. Whenever the funds appropriated to the New Hampshire incentive program equal or exceed \$2,000,000 in one year, the method of awarding any grants under this subdivision for that year shall be by an individualized selection process based on need pursuant to RSA 188-D:11, I(d). If the funds appropriated to the program for any fiscal year do not exceed \$2,000,000, the provisions of RSA 188-D:11, I(d), (1) and (2) and RSA 188-D:13-b shall be suspended for the purposes of the grants awarded for that fiscal year.

188-D:13-b Institutional Requirements.

I. Any institution which receives funds under this subdivision shall be required to maintain an institutional level of financial support for matriculated students which equals or exceeds the amount of financial aid for students, on a per capita basis, which it contributed for fiscal year 1985.

II. Any institution which receives funds under this subdivision shall be required to increase the total amount of institutionally funded financial aid to students, on a per capita basis, at the same percentage rate as it increases the total cost of attending that institution, including tuition, room, board and any other fees it might impose on students.

7 Appropriation.

1. The sum of \$2,000,000 for the fiscal year ending June 30, 1986, and the sum of \$4,000,000 for the fiscal year ending June 30, 1987, are hereby appropriated to the New Hampshire incentive program for the purposes of awarding grants and loan

incentives as authorized in RSA 188-D:10-13-b. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. For fiscal year 1986 the postsecondary education commission may use a portion of the funds appropriated in paragraph I for fiscal year 1987 for the purposes of administering the New Hampshire incentive program and may hire additional staff for such purposes; provided, however, that such administrative expenses shall not exceed \$60,000 in each fiscal year.

8 Repeal. RSA 188-D:13, VI, relative to the first year of the New Hampshire incentive program, is hereby repealed.

9 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Rep. William Riley offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. Amend RSA 188-D:10 (supp) as inserted by 1976, 27:2 by striking out said section and inserting in place thereof the following:

188-D:10 Program Established; Purpose. There is hereby established the New Hampshire incentive program to provide grants for the benefit of residents of the state seeking or pursuing programs of study at postsecondary institutions within and without the state. The purpose of the program is to provide an economic incentive to academically qualified students to continue their education at an accredited postsecondary institution. It is further intended that grants awarded under this chapter shall not be used to displace any other scholarships or grants which might be awarded to the recipient.

2 Rulemaking; Criteria for Awarding Grants. Amend RSA 188-D:11, I(d) (supp) as inserted by 1976, 27:2 by striking out said subparagraph and inserting in place thereof the following:

(d) Adopt rules, under RSA 541-A, relative to the criteria for awarding grants and loan incentives under this subdivision, including grants to be used at institutions outside the state within the limits of RSA 188-D:13, II, which criteria shall incorporate the following factors:

(1) The actual cost of education, including, but not limited to, room, board, tuition, books, and any other fees imposed by the institution.

(2) The total amount of family contribution including, but not limited to, parental contributions, student work study, earnings, savings and loans, and aid from the postsecondary institution in any form, including loans and grants.

3 Grant Limit Raised. Amend RSA 188-D:13, II (supp) as inserted by 1976, 27:2 by striking out said paragraph and inserting in place thereof the following:

II. All grants made by the postsecondary education commission under this subdivision shall be for the period of one academic year and in specified amounts of not less than \$500 nor more than \$3,000 within the limits of the criteria set forth in the rules adopted by the postsecondary education commission.

4 Demonstrated Need; Debt Burden. Amend RSA 188-D:13, III (supp) as inserted by 1976, 27:2 by striking out said paragraph and inserting in place thereof the following:

III. No grant shall be made which does not include a self-help requirement by the recipient. Self-help may be in the form of either work or loans, and demonstrated need shall be defined as the applicant's cost of education minus the family contribution and the self-help factor determined under the rules adopted by the postsecondary education commission. All grants awarded under this subdivision shall be for the purpose of reducing the demonstrated need of qualified applicants before any grant is awarded to a qualified applicant for the purpose of reducing the debt burden of the recipient or his family. When the grant is awarded for the purpose of reducing the debt burden of the recipient or his family the commission shall require proof that the grant is being used for this purpose. No grant shall be in excess of the tuition charged the student for the academic year in which the grant is received nor when combined with the mandated self-help contribution of the student will exceed the cost of education at the eligible postsecondary institution for that year.

5 Eligibility. Amend RSA 188-D:13, IV (supp) as inserted by 1976, 27:2 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Any student who has been accepted at a postsecondary institution shall be eligible to receive a grant under this subdivision. No person to whom a grant is made shall be restricted as to the choice of program or postsecondary institution approved by the postsecondary education commission either inside or outside of the state.

6 New Sections. Amend RSA 188-D by inserting after section 13 the following new sections:

188-D:13-a Individual Awards. Whenever the funds appropriated to the New Hampshire incentive program equal or exceed \$2,000,000 in one year, the method of awarding any grants under this subdivision for that year shall be by an individualized selection process based on need pursuant to RSA 188-D:11, I(d). If the funds appropriated to the program for any fiscal year do not exceed \$2,000,000, the provisions of RSA 188-D:11, I(d), (1) and (2) and RSA 188-D:13-b shall be suspended for the purposes of the grants awarded for that fiscal year.

188-D:13-b Institutional Requirements.

I. Any institution which receives funds under this subdivision shall be required to maintain an institutional level of financial support for matriculated students which equals or exceeds the amount of financial aid for students, on a per

capita basis, which it contributed for fiscal year 1985.

II. Any institution which receives funds under this subdivision shall be required to increase the total amount of institutionally funded financial aid to students, on a per capita basis, at the same percentage rate as it increases the total cost of attending that institution, including tuition, room, board and any other fees it might impose on students.

7 Appropriation.

I. The sum of \$2,000,000 for the fiscal year ending June 30, 1986, and the sum of \$4,000,000 for the fiscal year ending June 30, 1987, are hereby appropriated to the New Hampshire incentive program for the purposes of awarding grants and loan incentives as authorized in RSA 188-D:10-13-b. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. For fiscal year 1986 and fiscal year 1987 the postsecondary education commission may use a portion of the funds appropriated in paragraph I for either fiscal year for the purposes of administering the New Hampshire incentive program and may hire additional staff for such purposes; provided, however, that such administrative expenses shall not exceed \$60,000 in each fiscal year.

8 Repeal. RSA 188-D:13, VI, relative to the first year of the New Hampshire incentive program, is hereby repealed.

9 Effective Date. This act shall take effect July 1, 1985.

Rep. William Riley explained the amendment.

Rep. Boucher spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 486-FN, authorizing the board of governors to sell or lease certain property owned by the vocational- technical institutions and continually appropriating the income from such sales or leases.

Majority: Ought to Pass with Amendment.

Minority: Ought to Pass.

MAJORITY: The distance of the Berlin Vocational-Technical College from main centers of New Hampshire population, and the need for dormitory space now altogether missing, and the difficulty, both of getting State funds for dormitories, or getting private entrepreneurs to build dormitories near the campus, has led the Committee to support this bill for Berlin Vocational-Technical College alone. Vote 10-2. Rep. William A. Riley for the Majority of Education.

MINORITY: The minority felt that state land, as originally acquired, for Vocational-Technical schools should not be sold and that leasing would allow one school to solve its campus residency problems. (Rep. William J. Hounsell for the Minority of Education.)

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the board of governors to sell or lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such sales or leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board of Governors; Authority to Sell or Lease Land; Mineral Rights Retained. Amend RSA 188-F:4 (supp) as inserted by 1983, 379:2 by striking out said section and inserting in place thereof the following:

188-F:4 Powers and Duties. The board of governors shall have the following powers and duties:

I. To develop and adopt policy for the department and its institutions.

II. To oversee the administration of the department and its institutions.

III. To apply for and receive, in the same manner as other state agencies, federal or other funds for the operation of the department and its institutions. The board may accept gifts of money and property, other than real property, for use in institutional programs on its own authority.

IV. To adopt rules, in accordance with RSA 541-A, regulating the operations of the department and its institutions, including the rights and responsibilities of students.

V. Notwithstanding any other provision of law, to sell or lease to private parties portions of lands owned by the Berlin vocational-technical college, and to retain any mineral rights to such land. Income derived from any such sale or lease is hereby appropriated and shall be deposited in a nonlapsing account at the institution which owns or owned the land, to be used for maintenance of physical facilities or the acquisition of instructional equipment. The board is specifically authorized to sell or lease such land to private parties for the purposes of construction and operation of residential facilities for students and faculty. Said sums shall not be transferred to any other state fund.

2 Sale of Gravel, Timber, Etc.

Notwithstanding any other provision of law, for the biennium ending June 30, 1987, the New Hampshire technical institute and 6 vocational-technical colleges are hereby authorized to sell sand, gravel, excess cordwood, timber, loam and other materials from campus property and to use the income therefrom to maintain, repair and improve buildings, grounds and recreational facilities for students. This revenue shall not lapse nor be transferred to any other state fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Hounsell offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the board of governors to lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board of Governors; Authority to Lease Land. Amend RSA 188-F:4 (supp) as inserted by 1983, 379:2 by striking out said section and inserting in place thereof the following:

188-F:4 Powers and Duties. The board of governors shall have the following powers and duties:

I. To develop and adopt policy for the department and its institutions.

II. To oversee the administration of the department and its institutions.

III. To apply for and receive, in the same manner as other state agencies, federal or other funds for the operation of the department and its institutions. The board may accept gifts of money and property, other than real property, for use in institutional programs on its own authority.

IV. To adopt rules, in accordance with RSA 541-A, regulating the operations of the department and its institutions, including the rights and responsibilities of students.

V. Notwithstanding any other provision of law, to lease to private parties portions of lands owned by Berlin vocational-technical college. Income derived from any such lease is hereby appropriated and shall be deposited in a nonlapsing account at the institution which owns or owned the land, to be used for maintenance of physical facilities or the acquisition of instructional equipment. The board is specifically authorized to lease such land to private parties for the purposes of construction and operation of residential facilities for students and faculty. Said sums shall not be transferred to any other state fund.

2 Sale of Gravel, Timber, Etc.

Notwithstanding any other provision of law, for the biennium ending June 30, 1987, the New Hampshire technical institute and 6 voc-tech colleges are hereby authorized to sell sand, gravel, excess cordwood, timber,

loam and other materials from campus property and to use the income therefrom to maintain, repair and improve buildings, grounds and recreational facilities for students. This revenue shall not lapse or be transferred to any other state fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Hounsell explained the amendment.

Rep. Boucher spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 748-FN, increasing the salaries of state employees in academic positions. Ought to Pass with Amendment.

This bill was requested by the Department of Postsecondary Vocational-Technical education. The bill increases the salaries of state employees in academic positions for labor grades 13-25. The increases will take effect on July 1, 1985 and the salaries are based on a 52-week working year and are to be pro-rated for employees who work less than 52 weeks

13	\$17,111.25	\$18,023.85	\$18,936.45	\$19,849.05	\$20,787.00
14	\$18,023.85	\$18,987.15	\$19,950.45	\$20,913.75	\$21,851.70
15	\$18,885.75	\$19,874.40	\$20,888.40	\$21,877.05	\$22,840.35
16	\$19,494.15	\$20,508.15	\$21,522.15	\$22,536.15	\$23,550.15
17	\$20,077.20	\$21,091.20	\$22,130.55	\$23,245.95	\$24,285.30
18	\$20,888.40	\$22,003.80	\$23,119.20	\$24,259.95	\$25,400.70
19	\$21,699.60	\$22,891.05	\$24,082.50	\$25,273.95	\$26,465.40
20	\$22,561.50	\$23,752.95	\$24,969.75	\$26,135.85	\$27,352.65
21	\$23,423.40	\$24,614.85	\$25,831.65	\$27,023.10	\$28,239.90
22	\$24,513.45	\$25,933.05	\$27,301.95	\$28,696.20	\$30,065.10
23	\$25,628.85	\$27,048.45	\$28,518.75	\$29,938.35	\$31,357.95
24	\$26,718.90	\$28,239.90	\$29,710.20	\$31,231.20	\$32,676.15
25	\$28,518.75	\$30,141.15	\$31,712.85	\$33,385.95	\$35,008.35

The salary ranges provided herein for academic positions shall apply to those state state employees in academic positions who work a full-year schedule (52 weeks). Those academic employees working less than a full year shall receive a pro rata portion of this salary based upon the number of weeks per year during which they work.

Amendment adopted.

Referred to Appropriations.

HB 348, establishing term life insurance for any governor, governor-elect or acting governor and making an appropriation therefor. Ought to Pass with Amendment.

This legislation requires that the state provide life insurance for any governor while serving in office. The amount of coverage would equal one year's salary and would be payable to the beneficiary designated by the governor. Vote 16-3. Rep. Harold W. Watson for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

per year. The amendment adds labor grades 13, 14 and 15 to the salary scale to include academic positions not included in the original bill. This bill had no opposition and the Committee felt it was important to bring these teachers more in line with other salaries in the region. Vote 11-0. Rep. Monte D. Rehlander for Education.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Academic Salaries Raised. Amend RSA 99:1-a (supp) as amended by striking out the salary range table for state employees in academic positions and inserting in place thereof the following:

The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing July 1, 1985, shall be established as follows:

An Act

establishing term life insurance for any governor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Term Insurance for Governor. Amend RSA 8 by inserting after section 82 the following new subdivision:

Term Life Insurance for the Governor

8:83 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of administrative services.

II. "Governor" means the person selected governor pursuant to Pt. II, Art. 42 of the New Hampshire constitution.

8:84 Contracts. The commissioner shall enter into a term life insurance contract with an insurance company licensed to do business in this state. The commissioner shall review the contract annually in order to determine that the face value death benefit provided by the contract equals the amount set forth in RSA 8:85.

8:85 Term Life Insurance. The state shall provide a term life insurance policy

for any governor. The policy shall provide a face value death benefit in an amount equal to the annual salary provided the governor in RSA 94:1-a. The state shall pay all premiums associated with the policy. The policy shall be in effect only as long as the governor serves in that capacity.

8:86 Beneficiary. The beneficiary with respect to the face value death benefit shall be designated by the governor.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 701, establishing a police standards and training council within the department of postsecondary vocational education. Ought to Pass with Amendment.

This bill, as amended, attaches the Police Standards and Training Council to the Department of Postsecondary Vocational-Technical Education as a unit of that Department. This measure does not interfere with the Council's independent role in setting curriculum standards for the training of police officers throughout the state, but allows tuition-paying non-police officers to take criminal justice courses, with the permission of the Council's director, thus expanding the state's vocational-education curriculum over-all. The bill has the support of the present Police Standards and Training Council, the Department's Board of Governors and Commissioner, and members of the law enforcement community. Vote 19-0. Rep. Dean Dexter for Executive Departments and Administration.

Amendment

Amend RSA 188-F:25 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:25 Agency Attached. The police standards and training council is transferred to the department of postsecondary vocational-technical education and made a unit of that department.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Department Established. Amend RSA 188-F:2 (supp) as inserted by 1983, 379:2 by striking out said section and inserting in place thereof the following:

188-F:2 Department Established. There shall be a department of postsecondary vocational-technical education which shall be governed by a board of governors. The department shall be a state agency and shall consist of the office of the commissioner, the New Hampshire technical institute, the 6 vocational-technical colleges, and the police standards and training council.

Amend paragraphs III-VI of section 5 of the bill by striking out same and inserting in place thereof the following:

III. Obtain accreditation for such police standards and training council courses to make it possible for them to be accepted for academic credit by higher educational institutions.

IV. Offer as many law enforcement courses as the board of governors deems appropriate in as many areas of the state as possible.

Amendment adopted.

Ordered to third reading.

HB 406-FN, relative to chronic disease prevention, assessment and control and making an appropriation therefor. Ought to Pass with Amendment.

The bill, as amended, addresses a long-standing need to establish a cancer registry. A central source for the collection of cancer data, for compilation and analysis relating to incidence, diagnosis and prevention of cancer. With the proper safeguards in place relating to confidentiality, the bill establishes an Advisory Council to provide guidance and technical support and investigations. Based on information adduced from governmental or private agency, department, institution, clinic, laboratory, hospital, health maintenance organization, association, physician, or other similar unit diagnosing or providing treatment for cancer, the Director shall educate the public regarding chronic diseases, evaluate available health data for use in delivery prevention services and offer screening and prevention services to population groups at risk of developing chronic disease. Vote 21-1. Rep. Leo W. Fraser, Jr. for Health and Human Services.

Amendment

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Reference Deletion. Amend RSA 137-G:2, II (supp) as inserted by 1981, 568:36 as amended by striking out in line 4 the word "transplantation," so that said paragraph as amended shall read as follows:

II. "Catastrophic illness" means cancer, hemophilia, end-stage renal disease, spinal cord injury or cystic fibrosis, the treatment of which requires extensive medical care such as hospitalization, medication, diagnostic evaluation, surgery, dialysis, therapy, or other associated medical expenses such as transportation to and from medical facilities.

3 Appropriation. The sum of \$695,000 is hereby appropriated to the division of public health services for each fiscal year of the biennium ending June 30, 1987, \$445,000 of which shall be for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor. Ought to Pass with Amendment.

This bill fulfills the Legislature's commitment expressed in HB 200 of the last session to provide state funding for all court facilities. Under this proposal the administrative office of the courts will negotiate a lease with selectmen or county commissioners so that the cost of running court facilities would be the responsibility of the state effective January 1, 1986. This expense is currently borne by the municipality or county which hosts the court. The amendment defines "costs" and "facilities." Vote 13-0. Rep. Donna P. Sytek for Judiciary.

Amen dment

Amend RSA 490-B:2 - RSA 490-B:4 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

490-B:2 Definitions. In this chapter:

I. "Costs" means any expenses directly attributable to the court, including, but not limited to, maintenance of the facility, heat, light, and insurance.

II. "Facility" means any area used for the operation of a court.

490-B:3 Responsibility. The state shall provide suitable court facilities for the conduct of all court sessions which shall be held within the judicial district or county served by the court. The supreme court shall be responsible for the supervision of all the court facilities in the state.

490-B:4 Facilities Plan.

I. The New Hampshire court accreditation commission shall recommend on or before December 1 of each year to the supreme court the most cost effective method of financing each court facility. Methods of financing may include, but shall not be limited to:

(a) A rental or lease agreement with another unit of government or private third party.

(b) Purchase of an existing facility.

(c) Construction of a new facility.

II. The facilities plan shall be prepared on or before December 1 of each even-numbered year and shall be reviewed by December 1 of each odd-numbered year by the commission to evaluate changes in the status or condition of each court facility for the purpose of determining the appropriateness of annual expenditures.

490-B:5 Included in Budget Request.

I. Beginning with the moneys to be appropriated for fiscal year 1988, the supreme court shall include in each budget

request sufficient funding to continue the state financing of court facilities.

II. The amount to be paid for each court facility shall be established by the administrative office of the courts and approved by the court accreditation commission.

Amendment adopted.

Referred to Appropriations.

HB 445-FN, relative to local probation services and making an appropriation therefor. Ought to Pass with Amendment.

The intent of this bill is to provide state funding for probation services currently being delivered by probation officers who are municipal employees. The bill sets up a procedure to determine a fair reimbursement to the cities and towns for their services. Additionally, the Unified Court Commission is directed to make a recommendation to the 1986 legislature on the placement of local probation in some state agency. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Localities to Pay for Additional Probation Officers. After July 1, 1985, all personnel and related expenses for any additional local probation officer serving a district or municipal court shall be paid by the local unit of government in the municipality in which the court facility is located. The cost for such probation services may be shared by the local units of government served by the probation officer. After July 1, 1985, any district court which is served by a state probation officer shall receive such additional services, as authorized by the department of corrections, as may be available.

2 Definition of Local Probation Services. The director of the administrative office of the courts, the director of the division for children and youth services in the department of health and human services, the commissioner of the department of corrections and the president of the New Hampshire District Court Probation Officers' Association, or their designees, shall establish a mutually agreeable definition of "local probation services" which shall be submitted to the select commission to examine a unified court system established by 1979, 488:1 for final approval or for recommendations for changes. The definition shall be submitted on or before September 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 487, eliminating the requirement that counties reimburse the state for superior court and probate court costs for fiscal year 1985. Ought to Pass with Amendment.

This bill, as amended, reduces the amount that counties must reimburse the state for the operations of superior and probate court costs from the \$2,750,000 to a maximum of \$1,750,000 for fiscal year 1985. Vote 14-0. Rep. Geraldine G. Watson for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting the following:

AN ACT

reducing the amount which counties are required to reimburse the state for superior court and probate costs in fiscal year 1985.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Reimbursement Requirement. Amend 1983, 383:65 by striking out in line 4 the amount "\$2,750,000" and inserting in place thereof the following (\$1,750,000) so that said section as amended shall read as follows:

383:65 Special Provision for Fiscal Year 1985. For the fiscal year ending June 30, 1985, the state shall pay all costs of operation for the superior and probate courts; provided, however, that the counties shall reimburse the state, up to a total amount of \$1,750,000, for superior court and probate court costs on a pro rata basis according to population figures in the most recently published statistical abstract of the United States. Such reimbursement shall occur on or before July 31, 1985.

Amendment adopted.

Referred to Appropriations.

HB 353, relative to rehabilitation of the Nashua-Bennington and Concord-Claremont rail lines and making an appropriation therefor. Ought to Pass with Amendment.

Current statutes provide the State a first refusal on all rail properties, providing an opportunity for New Hampshire to maintain a network of rights-of-way. House Bills 353 and 355 both propose funding for the purchase of abandoned rail rights-of-way. HB 353 contained an appropriation of \$150,000 for the current fiscal year. HB 355 proposed a bond issue of \$3,000,000. The Committee chose to recommend bonding at a reduced figure of \$1,500,000 as suggested by the Commissioner of Public Works and Highways. Vote 20-2. Rep. James A. Chandler for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the rehabilitation of certain rail lines and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rehabilitation of Certain Rail Lines.

I. The transportation division of the department of public works and highways is hereby authorized to physically rehabilitate the Nashua-Bennington, Concord-Claremont, Portsmouth-Hampton, and Rollinsford-Rochester branch lines. The general court notes that although the traffic volume is viable, the physical condition of these lines interferes with a healthy economy and the preservation of jobs. The general court recognizes that the continuation of these rail lines depends upon their rehabilitation.

II. The rehabilitation shall be conditioned upon the execution of an agreement by the owner of the rail line to maintain the roadbed at or above the operational condition attained because of rehabilitation with state funds and to deliver to the state documentation of a lien against the rail line in the amount expended to raise the level of maintenance.

III. The railroad shall make a \$300,000 capital contribution and the rail users shall make a \$300,000 capital contribution for rail line rehabilitation, each contribution representing 10 percent of the sum of the amount appropriated by this act and \$500,000 remaining in accounts established under 1981, 350:4 and 1981, 568:59 as amended by 1983, 250:4.

2 Appropriation. There is hereby appropriated to the transportation division of the department of public works and highways for the purposes of section one of this act the sum of \$2,500,000 to be expended for rehabilitation of the Nashua-Bennington, Concord-Claremont, Portsmouth-Hampton, and Rollinsford-Rochester rail lines. This appropriation is contingent upon the conditions listed in section one of this act.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds shall be made from the general funds of the state.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 355, to acquire abandoned railroad lines and making an appropriation therefor. Ought to Pass with Amendment.

Current statutes provide the State a first refusal on all rail properties providing an opportunity for New Hampshire to maintain a network of rights-of-way. House Bills 355 and 378 both propose funding for the purchase of abandoned rail rights-of-way. HB 378 contained an appropriation of \$150,000

for the current fiscal year. HB 355 proposed a bond issue of \$3,000,000. The Committee chose to recommend bonding at a reduced figure of \$1,500,000 as suggested by the Commissioner of Public Works and Highways. Vote 20-2. Rep. James A. Chandler for Public Works.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the commissioner of the department of public works and highways, for the purpose of purchasing railroad rights of way under RSA 228, the sum of \$1,500,000 to be expended for acquisition of these properties.

4 Bonds Authorized. To provide funds for the appropriations made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 378-FN, relative to funding the special railroad fund and making a supplemental appropriation therefor. Inexpedient to Legislate.

Current statutes provide the State a first refusal on all rail properties providing an opportunity for New Hampshire to maintain a network of rights-of-way. House Bills 355 and 378 both propose funding for the purchase of abandoned rail rights-of-way. HB 378 contained an appropriation of \$150,000 for the current fiscal year. HB 355 proposed a bond issue of \$3,000,000. The Committee chose to recommend bonding at a reduced figure of \$1,500,000 as suggested by the Commissioner of Public Works and Highways. Vote 15-7. Rep. James A. Chandler for Public Works.

Resolution adopted.

HB 435, relative to repairing the Hampton Beach state park and the seashell at Hampton Beach and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, will allow for construction of a state bath house at the Hampton Beach State Park. The Committee felt that this should have been in the Capital Budget. The amendment changes the appropriation from \$700,000 to \$494,500 and removes the covering on roof for the seashell from the bill, and accessibility to the beach for the handicapped since the accessibility has been already addressed. Vote 20-3. Rep. Beverly A. Hollingworth for Public Works.

Rep. Bibbo spoke in favor of the Committee report.

Rep. Hollingworth moved that HB 435 be laid upon the table.

Adopted.

HB 435 was laid upon the table.

HB 598, requiring any person filing a suit which delays the construction of an energy facility or a state highway or road to post a bond. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee felt projects have and will continue to be unnecessarily delayed by the art of delaying tactics by minority groups and individuals against the best public good and interest; unless this bill is enacted to protect the rights of the public and entrepreneurs. Harassment has been the tool of special interest groups in the past and will continue unchecked without a measure such as this. Vote 14-6. Rep. Gene C. Chandler for the Majority of Public Works. MINORITY: This bill is duplicative since injunctive powers are adequately covered by current statutes and requirements under Superior Court Rules. (Reps. Robert E. Murphy, Beverly Hollingworth, Sandra B. Keans for the Minority.)

Rep. Murphy moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Gene Chandler and Guay spoke against the motion and yielded to questions.

Rep. Hollingworth spoke in favor of the motion and yielded to questions.

Reps. Newcombe, Keans and Sylvia spoke in favor of the motion.

Reps. James J. White and Bibbo spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

224 members having voted in the affirmative and 104 members having voted in the negative, the motion was adopted.

Resolution adopted.

HB 497-FN, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person.

Majority: Ought to Pass. Minority: Refer for Interim Study.

MAJORITY: The existing law discriminates against a few New Hampshire grocers by restricting their ability to compete on an equal basis for the sale of beer and wine for off-premise consumption. This legislation responds to the consumers' desire to have the right of free choice in the purchase of beer and wine. It establishes equal opportunities for all grocers to compete for the consumers' dollar. Vote 12-7. Rep. Robert N. Kelley for the Majority of Regulated Revenues.

MINORITY: There are too many unanswered questions, and this matter should be studied once and for all. What does

"constitutes a grocery store" and "directly or indirectly involved" mean when issuing a permit? (Rep. Carmine F. D'Amante for the Minority of Regulated Revenues.)

Rep. Laurion moved that the report of the Minority, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Phelps, Reardon and George Gordon spoke against the motion.

Rep. Gerald Smith spoke in favor of the motion.

Rep. D'Amante spoke in favor of the motion and yielded to questions.

Rep. Robert Mason spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Laurion abstained from voting under Rule 16.

(Speaker presiding)

YEAS 84 NAYS 254

YEAS 84

BELKNAP: Brough, Richard Campbell, Malcolm Harrington and Matthew Locke.

CARROLL: Ashnault, Russell Chase and Dickinson.

CHESHIRE: Crane, Delano, Daniel Eaton, Irvin Gordon, Elmer Johnson, Miller, Parker, Perry, Secord and Thompson.

COOS: Brideau, Chappell, Coulombe, Ottolini, Theriault and York.

GRAFTON: Driscoll, Easton, McAvoy and Ward.

HILLSBOROUGH: Arris, Bourdon, Burkush, Cote, Crotty, Durant, Clyde Eaton, Fried, Gagnon, Hendrick, Levesque, Martin, Howard Mason, McGlynn, Elizabeth Moore, Paradis, Pariseau, Parmenter, Perham and Lucille Wood.

MERRIMACK: Barberia, Laurent Boucher, Fraser, Doris Riley, Gerald Smith and James Whittemore.

ROCKINGHAM: Benton, Connors, Bert Ford, Haynes, Hoar, Hollingworth, Lovejoy and Vaughn.

STRAFFORD: Bernard, Albert Dionne, Patricia Foss, Hussey, Keans, Lussier, Parks, Pelley, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McKee, Meghan, Normandin, Rodeschin and Spaulding.

NAYS 254

BELKNAP: Birch, Bolduc, Bowler, Brown, Dexter, Hardy, Hawkins, Holbrook, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Gene Chandler, Robert Holmes, Housell, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Frink, Grodin, Matson, Morse, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton and Young.

COOS: Brungot, Harold Burns, Chardon, Frederic Foss, Horton and Mayhew.

GRAFTON: Arnesen, Bean, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Duggan, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Beaupre, Bernier, Blais, Boisvert, Lionel Boucher, Bourque, Boutwell, Bridgewater, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cox, Donovan, Duperron, Dupont, Duprey, Dwyer, Dykstra, Joseph Eaton, Fields, Nancy Ford, Scott Green, Crip, Marian Harrington, Herod, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombard, Lown, Lozeau, Messier, Morrisette, Murphy, Newcombe, Nute, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paquette, Pellow, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Ellen Ann Robinson, Sallada, Shriver, B.P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Connolly, Gilbreth, George Gordon, Gross, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Linwood Rogers, Savaria, Shepard, Wallner and West.

ROCKINGHAM: Ames, Bangs, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Lawrence Chase, Clay, Conroy, Day, Ellyson, Felch, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Mace, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Warburton, Welch and Wells.

STRAFFORD: Appleby, Bates, Berkey, Burton, Callahan, Chamberlin, Donnelly, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Kincaid, Meader, Musler, O'Brien, Bruce Packard, Francis Robinson, Swope and Ralph Torr.

SULLIVAN: Call, Schotanus, and Sara Townsend, and the motion lost.

Ordered to third reading.

HJR 3-FN, granting William Lindeman the right to lease from the state for the remainder of his life a campsite located in Crawford Notch State Park. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: Mr. Lindeman was notified, in 1965, by the Division of Forests and Lands, DRED, that leases in Harts Location, Crawford Notch State Park were to expire on March 31, 1968. The lessee was granted a three year period in which to relocate and vacate the premises. The lease period, upon request, was extended with a final termination by 1977. In 1982, the matter was turned over to the Attorney General's Office for appropriate legal action to evict Lindeman. At this time, the Conway District Court has postponed action on writ of State Possession until June 30, 1985. Vote 16-5. Rep. Charles L. Vaughn for the Majority of Resources, Recreation and Development.

MINORITY: The proposed amendment provides for income to the state of \$800 for back rent, plus future income of \$1,000 per year. By so doing it removes the prospect of additional legal expense to the state which may result from appeal to Superior Court. This will also show, the state can show compassion and bend the rules to respond to a problem it was partially responsible in creating. (Reps. Leander Burdick, Douglas Woodward, James Whittemore for the Minority of Resources, Recreation and Development.)

Rep. Gene Chandler moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Vaughn spoke against the motion.

Reps. James Whittemore and Dickinson spoke in favor of the motion.

Rep. Meader spoke against the motion and yielded to questions.

A division was requested.

121 members having voted in the affirmative and 210 in the negative, the motion lost.

Majority report adopted.

HCR 8, to ratify an amendment to the Constitution of the United States to provide for representation of the District of Columbia in the Congress. Inexpedient to Legislate.

The majority of the Committee believes that representation in the Senate and House should be reserved exclusively for States. There are other methods of providing representation for District of Columbia residents, e.g. retrocession to Maryland, that would accomplish the goals of the sponsors. Vote 6-4. Rep. Edna Pearl F. Parr for State-Federal Relations.

Report adopted.

HB 363-FN, reducing the fee for vanity plates. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee felt that passage of the bill will increase the number of people using vanity plates sufficiently to compensate for loss of revenue due to reduction of the fee. The fact that the change to the present fee came so soon after a two-hundred percent increase was the reason several voted for the change. Vote 8-5. Rep. Irvin H. Gordon for the Majority of Transportation.

MINORITY: Vanity plates are voluntary, no one is forced to pay the \$25 fee. When the fee went up in the previous session, revenues went up substantially despite a 20% reduction in registrations. The minority could see no reason to reduce the fees and thereby the revenues available for driver education. (Reps. Stephen Sloan, Roger Stewart, Robert L. Whiting for the Minority of Transportation.)

Rep. George Gordon spoke in favor of the report of the Majority.

Ordered to third reading.

HB 342-FN, increasing the amount of the tax exemption for post-secondary institutions. Ought to Pass with Amendment. The Committee feels that this bill is a major step in helping colleges in New Hampshire. The amendment adds language that will make it possible for the college and city or town to reach a mutually agreeable cost for municipal services. Vote 14-0. Rep. Dennis R. Bolduc for Education.

Amendment

Amend RSA 72:23, IV-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV-a. The buildings and structures of post-secondary institutions organized or incorporated or carrying on their principal activities in this state and owned, used and occupied by them for the purposes for which they are established, including, but not limited to, the dormitories, dining rooms, kitchens, auditoriums, classrooms, infirmaries, administrative and utility rooms and buildings connected to them, athletic fields and facilities and gymnasiums, boat houses and wharves belonging to them and used in connection with them and the land appertaining to them, but not including lands and buildings not used and occupied directly for the purposes for which they are organized or incorporated, and the personal property used by them for the purposes for which they are established, provided none of the income or profits are divided among the members or stockholders or used or appropriated for any other purpose than the purpose for which they are organized or established; provided further that if the value of the dormitories, dining rooms and kitchens shall exceed \$1,500,000 or the sum set by the commissioner of revenue administration under paragraph IV-b, the value in excess of said sum shall be taxable. A town at an annual town meeting or the governing body of a city

may vote to increase the amount of the exemption upon dormitories, dining rooms and kitchens. A town may assess a service charge against any institution which is receiving an exemption under this paragraph in an amount which represents the mutually agreed upon cost of providing municipal services to the institution.

Amendment adopted.

Rep. Chambers offered an amendment.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the fiscal year ending June 30, 1986, to the department of revenue administration the sum of \$234,652. The department of revenue administration shall distribute an amount to any municipality which will lose funds under the provisions of this act, equal to the amount of revenue lost as a result of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1985.

Rep. Chambers explained the amendment.

the Rep. William Boucher spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HR 24, relative to South Africa. Ought to Pass with Amendment.

The Committee felt it should take a position on the system of apartheid in South Africa and find South African system of such apartheid repugnant to our basic belief in freedom and justice. Vote 10-1. Rep. Ednapearl F. Parr for State-Federal Relations.

Amendment

Amend the resolution by striking out the second paragraph after the resolving clause and inserting in place thereof the following:

That we call on the United States government to take such action as is necessary to show our abhorrence and opposition to apartheid.

Rep. Schwaner spoke against the amendment.

Rep. Parr spoke in favor of the amendment.

Amendment adopted.

Question now being, Ought to Pass as amended, a roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 138 NAYS 181
YEAS 138

BELKNAP: Brown, Dexter, Hardy, Jensen, Randall and Zeckhausen.

CARROLL: Robert Holmes and Kenneth MacDonald.

CHESHIRE: Crane, Daniel Eaton, Irvin Gordon, Matson, Ramsay, William Riley, Russell, Schwartz, Secord and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Michael King, Wayne King, Mann, Rounds, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bernier, Blais, Boisvert, Bourdon, Bourque, Carragher, Champagne, Cote, Donovan, Duprey, Joseph Eaton, Nancy Ford, Scott Green, Grip, Marian Harrington, Hendrick, Holden, Humphrey, Chris Jacobson, Keefe, Lamy, Martin, McGlynn, Messier, Elizabeth Moore, Newcombe, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paradis, Raiche, Ellen-Ann Robinson, Mary Sullivan, Turgeon, Harold Watson, Kenneth Wheeler and Worthen.

MERRIMACK: Anderson, Bowes, Fraser, Alf Jacobson, C. William Johnson, Kidder, Doris Riley, Linwood Rogers, Wallner and West.

ROCK INGHAM: Patti Blanchette, Butler, Connors, Conroy, Day, Felch, Harry Flanders, Thomas Gage, Hollingworth, George Katsakiores, Krasker, Lovejoy, McCain, Pantelakos, Parr, Pevear, Quimby, Scamman, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Sochalski, Stachowske, Titone, Tufts and Vaughn.

STRAFFORD: Bates, Burton, Callahan, Anita Flynn, Hussey, Robert Jones, Laurion, Musler, O'Brien, Bruce Packard, Pelley, Ann Torr and Franklin Torra.

SULLIVAN: McKee, Normandin, Spaulding and Sara Townsend.

NAYS 181

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Pearson and James White.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Hounsell, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Burley, Delano, Frink, Grodin, Elmer Johnson, Morse, Parker, Perry, Ridge, Scranton and Thompson.

COOS: Guay and Horton.

GRAFTON: Blair, Driscoll, Hutchings, McAvoy, Stewart, Howard Townsend, Wadsworth and Whitcomb.

HILLSBOROUGH: Barry, Beaupre, Lionel Boucher, Boutwell, Bridgewater, Burkush, John Burnas, Leslie Burns, Charron, Chretien, Clancy, Cox, Duperron, Durant, Dwyer, Dykstra, Clyde Eaton, Fields, Fried, Gagnon, Herod, Hyman, Jasper, Kelley, Knight,

Labombarde, Levesque, Lown, Lozeau, Howard Mason, Morrisette, Murphy, Nute, Paquette, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Reardon, Frances Riley, Sallada, Shriver, B.P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Emma Wheeler, Frank Whittemore, Lucille Wood and Zis.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Cailler, James Chandler, Connolly, Gilbreth, Gross, Mary Holmes, Jelley, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Rehlander, Savaria, Shepard, Gerald Smith and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, William Boucher, Marilyn Campbell, Lawrence Chase, Clay, Ellyson, Flanagan, Bert Ford, Goss, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Phyllis Katsakiores, Roger King, Mace, Malcolm, Robert Mason, McKinney, Newman, Palumbo, Popov, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schwaner, Splaine, Sytek, Warburton, Welch, Wells and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Chamberlin, Albert Dionne, Donnelly, Edward Flynn, Patricia Foss, Frechette, Kincaid, Lussier, Parks, Francis Robinson, Spear, Henry Sullivan, Swope and Ralph Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McHegan, Rodeschin and Schotanus, and the report lost.

Rep. Rounds moved that HB 24 be laid upon the table.

On a voice vote the motion was adopted.
HB 24 was laid upon the table.

RECONSIDERATION

Rep. Irvin Gordon moved that the House reconsider its action whereby it Referred for Interim Study, HB 266, authorizing the department of safety to join the international registration plan.

Reps. Rounds and Chambers spoke in favor of the motion.

Reconsideration prevailed.

Question now being, the Committee report on HB 266, Refer for Interim Study.

Rep. Irvin Gordon moved that HB 266 be recommitted to the Committee on Transportation and spoke to his motion.
Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 2 at 12:45 p.m. in Joint Convention for the purpose of hearing Chief Justice John W. King present his message on the State of the Judiciary.
Adopted.

LATE SESSION

Third reading and final passage

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights.

HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor.

HB 427-FN, increasing the per diem for members of the public employee labor relations board.

HB 429-FN, appropriating funds for participation in the federal groundwater mapping program.

HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection.

SB 6-FN, making a supplemental appropriation to the real estate commission.

HB 495, eliminating depositions in criminal cases of children 16 years of age and under except in certain cases.

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips.

HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days.

HB 587, relative to motor vehicle warranties.

HB 605, relative to approval of deviations from rating organization filings and regulating the issuance of certificates of insurance.

HB 71, increasing the number of write-in votes needed for nomination for office.

HB 349-FN, relative to educationally related services.

HB 382, requiring school administrative unit superintendents to prepare annual budget reports.

HB 567, providing to school districts access to court records of certain educationally handicapped children.

HB 503, relative to delinquent trappers' reports.

HB 361, relative to loitering.

HB 363, relative to the issuance of bad checks.

HB 586, relative to a technical amendment of the Uniform Securities Act.

HB 612-FN, relative to the administration of the alcohol education programs.

HB 590, relative to the counsel for the department of employment security and that department's representation in court.

HB 333-FN, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks.

HB 334-FN, relative to the licensing of dogs.

HB 418-FN, relative to motor vehicle registration fees.

HB 104-FN, relative to sunset review of the pari-mutuel commission.

HB 511, requiring special agents to complete a preparatory police training program.

HB 560, establishing a study committee relative to licensing of operators of entirely or partly power propelled water borne vehicles.

HB 348, establishing term life insurance for any governor.

HB 701, establishing a police standards and training council within the department of postsecondary vocational education.

HB 497-FN, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person.

HB 368-FN, reducing the fee for vanity plates.

Rep. Tamposi, Chairman of the Committee on Ways and Means, explained the monthly report of estimated revenues. (Rule 32-w)

PERSONAL PRIVILEGE

Rep. Sytek addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in Recess.

Adopted.

The House recessed at 3:55 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 15

Tuesday, 2Apr85

The House assembled at 12:45 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Your prophet of old proclaimed that justice should roll down like an ever flowing river. Forgive us when we have dammed that river with logjams, diverted that river with money, and polluted that river with self-interest. Help us see that justice for all is the cornerstone of democracy and give us the strength to wage a continual fight to make justice available for every person, minority and majority. O Thou who are the final Judge of us all, give us Your blessing that this day we may do what is just, show love, and be in humble fellowship with You. Amen.

Rep. Sytek led the Pledge of Allegiance.

Rep. Rounds offered the following:

RESOLVED, that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 1:05 p.m. for the purpose of hearing Chief Justice John W. King present his message on the state of the Judiciary.

Adopted.

LEAVES OF ABSENCE

Reps. Reidy, Golden, Wood, Nagel, McCain, Olimpio, Ames, Anderson, Elizabeth Moore, Magoon, Blaisdell and Tufts, the day, illness.

Reps. Keefe, William Riley, Fraser, Hyman, Norman Packard, Pressly, Frechette, Stio, Joslyn, Duprey, B. P. Smith, Wells, Crotty and Kincaid, the day, important business.

INTRODUCTION OF GUESTS

Ms. Heon's 8th grade Social Studies class from the Oyster River Middle School in Durham, guests of Rep. Wayne Burton; Betsy and Peter Burton, wife and son of Rep. Burton; Mrs. Breton, who on this day 50 years ago, served as a member of this House, guest of Rep. Messier; Ruby Keegan, Cecille Taylor, Eunice O'Mara, Lois Prince, Nellie Mariani, Helen Pessano, Gertrude Burleigh and Olga Bucznski, women of the Franklin Auxiliary, guests of Reps. Daniell, James Whittemore, Gilbreth and Roberts; students from Timothy Finn's Government Class, Pittsfield High School, guests of Rep. Blais.

SENATE MESSAGES ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 200, making an appropriation for capital improvements.

The President appointed Sens. Stabile, Boyer and White.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 144-FN, relative to sunset review of New Hampshire municipal bond bank.
(Amendment printed SJ 3/28)

Rep. Quimby moved that the House concur. Adopted.

CONCURRENCE

HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company.

HB 105-FN, relative to sunset review of general services and administration.

REQUESTS CONCURRENCE

SJR 1, relative to the sweepstakes commission fund.

SB 84, relative to the municipal records board.

SB 61, eliminating the requirement of countersignature by two trustees of directors when state banks or trust companies borrow money.

SB 32, an omnibus bill relative to public protection.

SB 12, prohibiting the importation and sale of Union of Soviet Socialist Republic manufactured vodka in New Hampshire.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate bills numbered 84, 61, 12, 32, and SJR 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 84, relative to the municipal records board. (Municipal and County Government)

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money. (Commerce, Small Business and Consumer Affairs)

SB 12, prohibiting the importation and sale of Union of Soviet Socialist Republic manufactured vodka in New Hampshire. (Regulated Revenues)

SB 32-FN, an omnibus bill relative to public protection. (Public Protection and Veterans Affairs)

SJR 1, relative to the sweepstakes commission fund. (Appropriations)

ENROLLED BILLS REPORT

SB 11, relative to the classification of the Nashua River.

SB 13, relative to certain wild birds.

HB 8, prohibiting bail pending appeal for persons convicted of certain offenses.

HB 11, relative to the national guard scholarship fund.

HB 30, relative to the control and restraining of guard dogs.

HB 36, limiting liability of donors and distributors of food.

HB 63, relative to the election of representatives to the general court and the election of delegates to the state party conventions from the city of Keene.

HB 75, relative to appeals by the state in criminal cases.

HB 82, establishing a nursery and nursery stock act.

HB 83, relative to "stop sale" orders.

HB 111, relative to sunset review of vocational rehabilitation-social security programs.

HB 143, relative to sunset review of the division of animal industry.

HB 157, relative to sunset review of agricultural resources.

HB 158, relative to sunset review of training education.

HB 195, relative to public employee labor negotiations.

HB 20, relative to the implied consent of testing of boat operators on public waters.

Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention with the Honorable House for the purpose of hearing Chief Justice John King.

RECESS

JOINT CONVENTION
(Speaker presiding)

Chief Justice John W. King addressed the Joint Convention on the State of the Judiciary.

Speaker John B. Tucker, Senate President Vesta M. Roy, and Honorable Members of the Senate and the House of Representatives, ladies and gentlemen.

I recently read that Mark Twain, who this year celebrates the 150th anniversary of his birth, began his talks with a dramatic pause, followed by the announcement: Aristotle is dead. Plato is dead. Nietzsche is dead. I was reminded over the last two weeks that the indigent defense fund needs additional funding; and now that I ask you to raise judges' salaries to an adequate figure, I can tell you that, like Aristotle, I don't feel so well myself.

I sincerely appreciate the kind invitation of the President of the Senate and the Speaker of the House to appear before you today and briefly report on the

New Hampshire Judiciary and some other related matters. It is with great pride in the judicial system of New Hampshire that I address you.

I want to commence my remarks by expressing to both the Executive and Legislative branches of our state government the appreciation of the Judicial branch for the support of the judiciary in our efforts to implement innovative techniques and sound management practices in the third branch of government. You have been understanding and fair in dealing with our fiscal and personnel needs, and have responded intelligently and cooperatively to our requests.

As you well know, during the 1983 session of the general court, a sometimes controversial and bold reorganization of the fiscal structure of our court system was enacted. HB 200, which provided for the state financing of the court system, was originally endorsed as legislation that would provide substantial relief to property taxpayers throughout New Hampshire, and equally as important, bring new levels of fiscal accountability and efficiency to the Judicial branch of government.

I am pleased to report to you that the Court Reorganization Act of 1983 has lived up to its advanced billing and is an unqualified success in achieving its goals. Judicial branch revenues for fiscal year 1984, exceeded estimates by \$1,100,000. Judicial branch expenditures for the same period were \$800,000 less than budgeted for fiscal 1984. Even after being authorized to spend approximately \$500,000 to computerize the larger court locations and to implement other fiscal efficiencies, \$300,000 was lapsed to the general fund. We anticipate similar positive results when fiscal 1985 figures are in.

The cost of operation of the courts is all of the people's business. It is the obligation of the state to pay for the cost of the judicial business just as much as it is the obligation of the state to pay for the cost of the public's business conducted by the Legislative branch of government and the Executive branch of government. None of the branches of state government is a profit making business. Nevertheless, each branch should operate as efficiently and fiscally accountable as possible. I can assure you that the Judiciary is meeting its obligations.

While the improved dispensation of justice was the primary focus of House Bill 200, the implementation of that legislation has resulted in dramatic reductions in the demands of county and local governments upon property taxpayers. On a statewide basis, for the fiscal years 1984 and 1985 county assessments on the property owners of our state will be 3.7 million dollars less than they would have been had HB 200 not been enacted.

The Judicial branch takes great satisfaction in the fact that judicial reform authorized in 1983 has worked so well and should, in the future, result in greater benefits to the residents of this state.

An illustrative advantage of court unification is the opportunity to have full-time district court judges sit in other

district courts, as time and necessity require. Prior to the enactment of HB 200 such assignment of judges was not feasible. The advantage of this new capability is the reduction in cost and the better utilization of existing full-time judges. If, for any reason, a full-time district court justice is available, he is assigned to another district court where his services may be needed. Use of specially appointed justices and their expense shall and should be the exception - not the rule.

One aspect of court unification that was not addressed at the last legislative session is court facility expenses. When the unified court legislation was being considered, no one, including court personnel, was aware of the total costs associated with the operation of the court facilities. In the absence of such information the legislature required the Supreme Court to have all court facilities appraised, establishing a fair market value for each local and county facility. The court contracted with an independent appraisal firm which, in conjunction with members of our staff, completed the appraisals in January of this year. Based on the information included in the appraisals, a plan was developed to propose that the state lease all existing court facilities at a rate which exceeds the current operating costs for the facility, but which is lower than the fair market value.

The decision to propose leasing the court facilities rather than to purchase the current facilities was selected in light of the multiple occupants of most court facilities and the varied physical condition of the facilities. The lease approach included in HB 444 provides the state with maximum flexibility in deciding which facilities to purchase while ensuring that the local units of government are fairly compensated for the state's use of the local and county facilities. Passage of HB 444 is the last element in completing the transition to state financing of the courts. How this should be funded and when it should be funded we, of the Judicial branch, leave to the wisdom of the other two branches of government.

Our Supreme Court continues to update our rules to meet procedural problems that continuously confront us in the development and improvement of judicial procedures. I can assure you that the court in the reasonable exercise of our rule making function carefully protects the legislative right to establish the substantive statutory law within the restraints imposed by the Constitution of the State of New Hampshire. As an example, in adopting rules of evidence pursuant to Part II, Article 73-A of our State Constitution, we specifically said that no rules would take effect that are inconsistent with existing statutes.

The use of Masters in our superior courts has been a long standing complaint among the public, bar, and local government officials. As I promised two years ago, if ten additional Superior Court Judges were appointed, we could virtually eliminate the use of Masters in all but the most extraordinary cases. Since that commitment

was made, four new Superior Court Judges have been appointed and one within the last few days and the number of Masters used on a regular basis has been reduced from 14 to 7. As the remaining judicial positions are filled, the number of Masters will be further reduced. Despite my conviction that our citizens are entitled to have their cases tried in the main by judges and not by practicing lawyers, we recognize that our marital Masters do provide a very valuable service to the state in the expert processing of thousands of domestic relations cases. In my opinion, some of these Masters would qualify to serve as full-time judges.

The work of the Judiciary of New Hampshire is not a glamorous adventure. On the contrary, we are engaged in a tedious, intense day-to-day struggle to keep abreast of the ever-lengthening number of cases, endless dockets of cases and controversies, many of complex nature, which in a most vital and basic way, affect the lives, the liberty, the property and well-being of all of the people of New Hampshire. The work is demanding, but personally rewarding. I am convinced that the New Hampshire Judiciary has and will continue to discharge its responsibility with integrity, dedication and industry.

There are many activities of the bar association and the courts providing a public service that are important: the Committee on Professional Conduct with citizens and members of the bar hearing complaints against lawyers; the Committee on Judicial Conduct, similarly composed, hearing complaints against judges; the Court Accreditation Commission, the Commission on Courtroom Security; the Committee on the Rules of Evidence; the Committee on the Code of Professional Conduct, and numerous ad hoc committees. All of the judges of our courts participate in the work of at least one committee. A new committee on rules established by the court will provide written notice to the public of upcoming rules changes. It includes lay members, and will ensure public input on future rule changes in the Judicial branch. Public hearings will also be held by this committee.

Many are concerned about the tremendous growth in litigation. We wish it were otherwise, but we can take some comfort in the fact that a civilized society is providing a way to resolve the differences that arise amongst a free people. If our major civil and criminal disputes are not resolved in the relative calm and orderly procedures of the courtroom, what is the alternative solution?

Lastly, I would like to address the issue of changes to current judicial salaries and retirement. HB 532 proposes changes to the current salary structure and retirement plan that are being requested by the Judicial branch. I will not take time this afternoon to reiterate the arguments in favor of the proposed changes except to state that New Hampshire enjoys one of the finest judiciaries in our country. The commitment the judges have to the administration of justice in this state is second to none; however, the salary structure leaves much room for improvement.

It is and will be increasingly difficult to continue to attract and retain the qualified jurists of this state when the compensation lags far behind comparable figures in the Federal Judiciary, private practice and judicial salaries in other states.

While responsibility for the appointment of justices is exclusively that of the Chief Executive and Governor's Council, and properly so, nevertheless many fine lawyers have frequently refused appointment because they cannot afford to make such a personal and family sacrifice when compared to private practice. Frankly, it is becoming more difficult to recommend able young lawyers with families to accept appointment to the bench. Those judges serving during the last ten years or more have seen the cost of living increase 108%, while their salaries increased only 57% during the same period.

The proposals contained in HB 532 are not based on salaries or retirement benefits paid in other jurisdictions. If they were, they would be much higher than recommended. Rather they were developed for New Hampshire by the Judicial branch as realistic levels of compensation for the responsibility borne by our judges. Over the past two years the court system has made significant improvements to increase efficiency and to ensure that the quality of justice is not diminished. Those accomplishments are the results of the activities of many people; however, none of these improvements would be of any value were it not for the quality of our judges. The quality of justice in this or any state is directly related to the quality of its judiciary. This state has long enjoyed the contributions of a dedicated and talented judiciary. So, respectively, I request your support for HB 532 to ensure that the state continues to attract and retain such excellence.

So it is that on behalf of my fellow judges, as well as all personnel of the Judicial branch, I express to you, ladies and gentlemen, the deepest appreciation and grateful thanks of our courts for all of the assistance and help which you have provided for us and to us over the years.

Rep. Rounds and Sen. Stabile moved that the Joint Convention be adjourned.
Adopted.

HOUSE

(Speaker in the Chair)

SUSPENSION OF RULES

Rep. Sytek moved that the rules be so far suspended as to permit consideration at the present time of HR 28, requesting an opinion of the justices relative to Part I, Article 17, of the New Hampshire constitution, without referral to committee, printing, public hearing, committee report and notice in the Calendar, and spoke to her motion.

Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 28

requesting an opinion of the justices relative to part 1, article 17 of the New Hampshire constitution.

WHEREAS, there is pending before the house of representatives HB 413, "An Act transferring the town of Barnstead from the Laconia district court to the Pittsfield district court," and

WHEREAS, this bill would redraw the Pittsfield judicial district so that the district included the towns of Pittsfield, Chichester and Epsom in Merrimack county and the town of Barnstead in Belknap county, thus creating the first judicial district to cross county lines, and

WHEREAS, part one, article 17 of the New Hampshire constitution was amended in 1978 by adding the words "or judicial district" so as to guarantee, in criminal prosecutions, the right to trial in the county or judicial district in which the crime was committed, and

WHEREAS, the supreme court of the state of New Hampshire has interpreted part one, article 17, of the New Hampshire constitution to require a defendant seeking a change of venue to prove that he cannot obtain a fair and impartial trial in the county in question, *State v. Sullivan*, 121 N.H. 301, 303, 428 A.2d 1247 (1981), now, therefore, be it

RESOLVED, by the House of Representatives, that the justices of the supreme court be respectfully requested to give their opinion upon the following question:

Does part one, article 17 of the New Hampshire constitution permit the creation of judicial districts that are comprised of contiguous municipalities located in different counties?

That the house clerk transmit 7 copies of this resolution to the justices of the supreme court along with an equal number of copies of HB 413.

The Clerk read the Resolution.
Ordered to third reading.

SUSPENSION OF RULES

Rep. Sytek moved that the Rules be so far suspended as to permit consideration at the present time of HR 29, a resolution requesting an opinion of the justices concerning the constitutionality of HB 440, without referral to committee, printing, public hearing, committee report and notice in the Calendar, and spoke to her motion.

Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 29

A resolution requesting an opinion of the justices concerning the constitutionality of HB 440.

WHEREAS, in 1983 the New Hampshire Supreme Court stated that it should be reluctant to reconsider the validity of the doctrine of sovereign immunity "until the legislature has been given an opportunity to correct the present procedural and financial

inadequacies of statutes relating to sovereign immunity," State v. Brosseau, 124 N.H. 184, 192 (1983), and

WHEREAS, HB 440 has been introduced and amended by the judiciary committee of the house of representatives and is now pending before the house of representatives, and

WHEREAS, HB 440, as amended, waives the immunity of the state with respect to claims against the state and its employees to a maximum recovery of \$250,000 per claimant and \$2,000,000 per incident with certain specified exceptions, and

WHEREAS, the intention of HB 440, as amended, is to provide a comprehensive procedure for bringing claims against the state and its employees and to address the procedural and financial inadequacies of existing legislation, RSA 541-B, and

WHEREAS, in the view of the house of representatives HB 440, as amended, provides a reasonable system of compensation to satisfy the claims of persons injured by the negligent acts of state officers or employees while preserving the integrity of necessary governmental functions and decision-making, and

WHEREAS, questions have been raised concerning the constitutionality of this legislation, be it

RESOLVED, by the House of Representatives that the justices of the Supreme Court are respectfully requested to give their opinion upon the following questions of law:

1. Is it permissible under Part I, Article 14 of the New Hampshire Constitution for the state to impose limitations on recovery by a person injured by the negligent acts of a state official or employee?

2. If the answer to question one is in the affirmative, are the limitations on recovery set forth in HB 440, as amended, permissible under the New Hampshire Constitution?

That the clerk of the house of representatives transmit copies of this resolution to the justices of the New Hampshire Supreme Court.

The Clerk read the resolution.
Ordered to third reading.

The Speaker called for the Special Order.

HB 141-FN, relative to sunset review of the office of waste management. Ought to Pass with Amendment.

The amendment causes the Debt Service Payment to be made from Hazardous Waste Fund as was in original legislation. Vote 13-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Bonds Charged Against Hazardous Waste Fund. Amend RSA 147-B:6, V (supp) as inserted by 1983, 137:11 by striking out said paragraph and inserting in place thereof the following:

V. The interest and principle due on bonds and notes shall be paid out of funds from the hazardous waste cleanup fund.

Rep. Elizabeth Greene explained and spoke against the amendment and yielded to questions.

Rep. LaMott spoke in favor of the amendment and yielded to questions.

The Speaker requested a division. 169 members having voted in the affirmative and 109 in the negative, the amendment was adopted.

Ordered to third reading.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

HB 558 was removed at the request of Rep. Chambers.

HB 564 was removed at the request of Rep. Sytek.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 170-FN, appropriating the proceeds of the sale of certain state prison property. Ought to Pass with Amendment.

This bill provides the prison the ability to dispose of land, 2.54 acres. Proceeds from the sale would be appropriated to the Department of Corrections for new facilities on the prison farm. The amendment ensures the sale price will not be less than \$65,000. Also, the amendment provides for the property to progress through the procedure outlined in RSA 17. Vote 15-0. Rep. Franklin Torr for Appropriations.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Proceeds of Sale Appropriated. Subject to the provisions of RSA 17-M, the proceeds of the sale of approximately 2.54 acres of state prison farm land on North State Street, Concord, New Hampshire, located between the prison farm house and property owned by Weeks Dairy Foods, Inc., in an amount of not less than \$65,000, are hereby appropriated to the department of corrections for the purpose of rebuilding or replacing certain existing structures; a bunker silo; a manure storage area; constructing with prison labor a milk house building; and equipping a new milking parlor. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers. Ought to Pass.

This bill eliminates the proviso that credit life accident and health insurance sold in connection with first real estate mortgages on mobile homes or

dwelling trailers, regardless of duration shall be regulated under RSA 408-A. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

HB 509, relative to the definition of automobile dealer. Refer for Interim Study. HB 509 might be a good bill, but at the moment the Committee felt it should have much more information on this and should be studied. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

AN ACT

relative to notice of accidents to insurance companies; insurance company liens; and licensing insurance agents and brokers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

HB 577, repealing the interstate commerce exemption from the consumer protection act. Ought to Pass.

The Committee unanimously adopted this measure which repeals the "interstate commerce exemption" from RSA 358-A, the Consumer Protection Act. This bill removes an unnecessary impediment to the state's efforts to insure that trade and commerce affecting New Hampshire citizens is conducted fairly and honestly. Vote 14-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 578, relative to the regulation of campground membership programs. Ought to Pass with Amendment.

This bill adds campground time sharing programs to the list of all time sharing programs currently regulated by the State. By requiring campground time sharing programs to meet the same standards as other types of time sharing, this legislation will ensure full disclosure to prospective purchasers of the benefits and risks inherent in these programs. The Committee amendment allows this act to take effect upon passage to provide protection during the coming summer vacation period. Vote 12-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 624, establishing a permanent licensing system for insurance agents and brokers and providing for the licensing of insurance consultants. Ought to Pass with Amendment.

This bill establishes a permanent licensing system for insurance agents and brokers. The bill also covers time limit for insurance companies to notify the Department of Motor Vehicles on insurance coverage and insurance company liens. Vote 14-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

1 Motor Vehicles; Insurance Coverage. Amend RSA 264:3, IV as inserted by 1981, 146:1 by inserting in line one after the word "accident" the following (from the department) so that said section as amended shall read as follows:

IV. Within 15 days after the receipt of notice of such accident from the department, the insurance carrier or surety company which issued such policy shall notify the department in such manner as it may require in case such policy was not in effect at the time of such accident. If no such notification is received within such 15 days, the director may assume that such a policy was in effect at the time of the accident.

2 Liability of Third Person. Amend RSA 281:14, I and II (supp) as amended by striking out said paragraphs and inserting in place thereof the following:

I. When an injury for which compensation is payable under the provisions of this chapter has been sustained under circumstances creating in some person other than a person against whom action has been barred under RSA 281:12, a legal liability to pay damages in respect thereto, or a contractual obligation to pay benefits under the uninsured motorist provisions of any motor vehicle insurance policy, the injured employee, in addition to the benefits of this chapter, may obtain damages or benefits from or proceed at law or otherwise against such other person to recover damages or benefits; provided, however, that the employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered by the employee, less the expenses and costs of action, to the extent of the compensation, medical, hospital, or other remedial care already paid, or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter, less the employer's or the employer's insurance carrier's, pro rata share of expenses and costs of action as determined in paragraph IV.

II. When the death of an employee has resulted under circumstances creating in some person other than a person against whom action has been barred under RSA 281:12, a legal liability to pay damages in respect thereto, or a contractual obligation to pay benefits under the uninsured motorist provisions of any motor vehicle insurance policy, the administrator of the employee's estate, in addition to the benefits of this chapter which are payable to the employee's

dependents, may obtain damages or benefits from or proceed at law or otherwise against such other person to recover damages or benefits. In such cases the employer, or the employer's insurance carrier, shall have a lien on the amount of damages or benefits recovered which remain after deduction of such of the expenses itemized in RSA 556:14 as are not paid by the employer, or the employer's insurance carrier, and after deduction of the distributive share of any person to whom nothing is payable under RSA 281:22, to the extent of the compensation, medical, hospital, or other remedial care and funeral expenses already paid, or agreed or awarded to be paid by the employer, or the employer's insurance carrier, under this chapter.

3 Settlements; Actions. Amend RSA 281:14, III as amended by striking out said paragraph and inserting in place thereof the following:

III. No settlement by an employee, or in case of death, by the administrator of his estate, or of his or said administrator's claim for damages or benefits at law or otherwise against such third person shall be binding until approved by the labor commissioner or, if an action has been brought, by the court or arbitration proceeding in which such action is pending or to which the writ is returnable. The labor commissioner, or the court, or the arbitrator, as the case may be, shall make provisions for payment to the employer, or the employer's insurance carrier, of the amount of his lien after expenses and costs of action have been paid. In any case in which the employee, or, in case of death, the administrator of his estate, neglects to exercise his right of action by failing to proceed at law or otherwise against such third person for a period of 9 months after said injury, the employer, or the employer's insurance carrier, may so proceed and shall be subrogated to the rights of the injured employee or, in case of death, of such administrator, to recover against such third person; provided, if the employer, or the employer's insurance carrier, recovers from such other person damages or benefits, after expenses and costs of action have been paid, in excess of the amount of his lien as defined in this section, then any such excess shall be paid to the injured employee, or in the case of death, to the administrator of the employee's estate, for distribution in accordance with the provisions of RSA 556:14. The procedure for approval of settlements and safeguarding the rights of the employee, or, in case of death, the rights of the administrator of his estate, in such cases shall be the same as is provided for protecting the rights of the employer, or the employer's insurance carrier, in cases of settlements made or actions at law or otherwise brought by the employee or the administrator of his estate under this section.

4 Expiration. Amend RSA 405 by inserting after section 17 the following new sections:

405:17-a Expiration. Any such license issued by the commissioner shall be in force only until June 14 of the second year after

issuance, but may be reissued by the commissioner, in his discretion and without formality other than proper application and satisfactory proof that such applicant at that time possesses the required qualifications for license and that the issuance of such license will not be contrary to the provisions of this section; provided that any agent's license issued by the commissioner shall continue in force until cancelled, suspended or revoked; and provided that the insurance company represented by any licensee or licensees shall furnish the commissioner, prior to June 14, biennially, the names of its agents whose licenses it wishes to continue. The fees for agents' licenses which are continued shall be assessed biennially as provided in RSA 400-A:29.

405:17-b Insuring Through Agents. Foreign insurance or surety companies, although authorized to transact business within this state, shall only make, write, place, or cause to be made, written, or placed, policies or contracts of insurance or suretyship which are to be effective within this state, through agents who are regularly commissioned and licensed to transact business in this state.

5 Effective Date. This act shall take effect January 1, 1986.

HB 653, adopting the model small business equal access to justice act. Refer for Interim Study.

The Committee felt this bill should be studied more to enable subcommittee to present more information. Vote 16-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 662, relative to health insurance coverage. Inexpedient to Legislate. After testimony of sponsor, the Committee felt there was not enough substantial evidence to uphold this kind of legislation. Vote 16-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

HB 667, amending the definition of accident as it applies to automobile insurance. Inexpedient to Legislate. This bill does not have enough for the Committee to go on. It recommends inexpedient by a vote of 14-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations. Ought to Pass.

This bill permits the Insurance Commissioner to nullify liability policies issued in violation of the law and eliminates the administrative fee limitation for each winner. Vote 15-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 679, requiring evidence of declination prior to issuance of surplus lines policies. Refer for Interim Study.

The subject of this bill is very complicated. The sponsor and Insurance Department agree it should be studied. Vote 15-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 696, relative to captive insurance companies. Ought to Pass with Amendment. A captive insurance company is an insurance company which insures only insurance exposures of its parents and/or affiliated companies. Insurance authorities estimate that by 1990 as much as 50% of all commercial insurance business will be insured in captive insurance companies. This bill is designed to encourage captive insurance companies to locate their headquarters in New Hampshire. Vote 13-1. Rep. B. P. Smith for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 401-C:2, I(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(a) No captive insurance company may insure any risks other than those of its parent and affiliated companies.

Amend RSA 401-C:8, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. An association captive insurance company may be incorporated:

- (a) As a stock insurer with its capital stock divided into shares and held by the stockholders; or
- (b) As a mutual insurer without capital stock, the governing body of which is elected by the member organizations of its association.

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants. Ought to Pass.

This bill establishes statutory accounting procedures for the regulation of insurance companies and requires premium finance companies to be audited annually by certified public accountants. Vote 14-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 723, relative to non-profit health service corporations. Ought to Pass. This bill extends application of the Unfair Trade Practices Act to non-profit health service corporations; subjects non-profit health service corporations to the provisions of the administration fund; and extends health care strike benefits to non-profit health service corporation subscribers. Vote 14-0. Rep. Harold W. Burns for Commerce, Small Business and Consumer Affairs.

HB 609, relative to comprehensive high schools. Ought to Pass. This bill brings the statutes in line with the recent release of the State Board of Education setting new minimum standards for high schools. Vote 13-0. Rep. Edmund M. Keefe for Education.

HB 632-FN, establishing a printed materials revolving fund at the department of education. Ought to Pass.

House Bill 632 was requested by the Department of Education. The bill establishes a printed materials revolving fund in the Department of Education to be administered by that department for the purposes of defraying the cost of copying by levying charges on each copy. Vote 13-0. Rep. Mary S. Nelson for Education.

Referred to Appropriations.

HB 633, relative to school building authority. Ought to Pass. This bill will allow any school district to be considered for unconditional state guarantee as bonds and notes of any school district, rather than as now, to only certain school districts. Vote 14-0. Rep. Howard F. Mason for Education.

HB 636, relative to current use assessment. Inexpedient to Legislate. Evidence is that the bill, as written, could not be enforced. Vote 18-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 757, making the seller liable for the land use change tax. Inexpedient to Legislate.

The present system of collecting the penalty seems to be working in most cases. This change could result in confusion. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 796, allowing land in excess of 2 acres on any lot to be classified under current use. Inexpedient to Legislate. This bill, as drafted, did not address the problem the sponsor tried to correct. Therefore, the Committee found it inexpedient. Vote 18-0. Rep. Roberta C. Pevear for Environment and Agriculture.

HR 22, commemorating Helen J. Sullivan for 50 years of service to the Grange. Inexpedient to Legislate.

Although worthy, the Committee felt that to pass a special resolution will set a precedent and open up the legislative process to a flood of resolutions to recognize people. The sponsor has agreed to seek other means of recognition. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HR 23, commemorating Hazel Kenney for 50 years of service to the Grange. Inexpedient to Legislate.

Although worthy, the Committee felt that to pass a special resolution will set a precedent and open up the legislative process to a flood of resolutions to recognize people. The sponsor has agreed to seek other means of recognition. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 629-FN, to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county commissioners. Ought to Pass with Amendment.

Counties ought to have the option of including their jail and house of correction permanent full-time correctional line personnel in group II if they see fit. The amendment deletes part-time and gives the decision-making power to the county conventions rather than the county commissioners. Vote 18-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

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to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county convention.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Definition of "Permanent Policeman" Conditionally Enlarged. Amend RSA 100-A:1, VII-a (supp) as inserted by 1977, 599:3 as amended by striking out said paragraph and inserting in place thereof the following:

VII-a. For the purposes of this chapter, "permanent policeman" shall also include:

(a) Permanent correctional line personnel of the state prison, including directors of treatment, the warden, deputy wardens, the superintendent of prison industries, permanent civilian employees of prison industries, permanent classified maintenance, farm and kitchen personnel, and rehabilitation counselors; and

(b) Permanent correctional line personnel of a county jail or house of correction, including any full-time jailor, head jailor, superintendent, or assistant superintendent. The term "permanent policeman" shall include the permanent correctional line personnel of a particular county as listed in this subparagraph only after the county convention of the particular county, upon the recommendation of the executive committee, elects to transfer such permanent correctional line personnel from group I to group II of the retirement system. Upon the election of the county convention of a county, the permanent correctional line personnel listed in this

subparagraph who are members of group I of the retirement system shall become members of the retirement system group II classification as provided in RSA 100-A:36-g.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New Section; Conditional Inclusion of County Correction Personnel in Group II. Amend RSA 100-A by inserting after section 36-f the following new section:

100-A:36-g Conditional Merger of County Correction Employees into Group II. All the permanent correctional line personnel of the county jail and house of correction, including all full-time jailors, head jailors, superintendents, and assistant superintendents who are members of group I of the retirement system, shall become members of the retirement system group II classification only upon the affirmative vote of the county convention of the county in which they are employed to approve such a transfer, upon the recommendation of the executive committee. The vote of the county convention of one county to transfer such permanent correctional line personnel from group I to group II shall not affect the retirement system classification of such permanent correctional line personnel in any other county. Members so transferred under this section following an affirmative vote of the county convention of a county upon the recommendation of the executive committee shall make contributions as provided in RSA 100-A:16. Upon retirement, death or termination of service, a member so transferred under this section shall have his retirement allowance determined as the sum of the retirement allowances with respect to the period of creditable service in each respective classification computed in each case on the basis of his earnable compensation and creditable service in the respective classification before and after the transfer and the provisions of the law applicable to such classification. Solely for the purpose of determining a member's eligibility for benefits with respect to his creditable service in each classification, the member's creditable service shall be equal to the sum of the creditable service rendered in each classification.

Referred to Appropriations.

Rep. Dupont abstained from voting under Rule 16.

HB 718-FN, to include state prison educational personnel in group II of the New Hampshire retirement system. Inexpedient to Legislate.

The Committee heard evidence indicating that there are serious inequities in the present determination of which state prison employees are included in group II. However, this bill does not adequately address the problem. Vote 18-1. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 721-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass with Amendment.

Before 1979, retirement for group II members at age 65 was compulsory. The 1979 amendment to the statute removed the compulsory retirement without providing for voluntary retirement at age 65. The amendment simplifies the wording without changing the intent. Vote 19-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, II(a) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service, or who has attained age 65, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

Referred to Appropriations.

HB 622-FN, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments. Ought to Pass with Amendment.

This bill changes the name of the Office of Institutional Collections to the Office of Reimbursement, and permits the office, upon request, to make collections for other state departments. The Committee felt this would be more compatible with the collection functions of this agency. Vote 22-0. Rep. Alberta Z. Clay for Health and Human Services.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Subdivision Heading Change. Amend the subdivision heading preceding RSA 126-A:44 by striking out said heading and inserting in place thereof the following:

Office of Reimbursements

2 Name Change. Amend RSA 126-A:44 (supp) as inserted by 1977, 600:27 as amended by striking out said section and inserting in place thereof the following: 126-A:44 Office Established. There shall be an office of reimbursements within the division of mental health and developmental services of the department of health and human services.

3 Name Change. Amend RSA 126-A:45 (supp) as inserted by 1977, 600:27 as

amended by striking out said section and inserting in place thereof the following: 126-A:45 Duties.

I. Subject to the direction and supervision of the director of the division of mental health and developmental services, the office of reimbursements shall:

(a) Review and investigate all records of the New Hampshire hospital, Laconia state school and training center and the Glencliff home for the elderly, relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the director of mental health and developmental services and the director of public health services and to the respective superintendents of such institutions, as to the rates to be charged for the care, treatment, and maintenance of such patients or residents.

(b) Investigate the ability of patients or residents of such institutions and of the patients receiving care, treatment or maintenance either in public or private institutions or otherwise at the direction of the commissioner of health and human services and those legally chargeable for their support and maintenance to pay for such care, treatment, and maintenance, and recommend to the director of mental health and developmental services or human services the charge to be rendered.

(c) Submit monthly to the director of mental health and developmental services or the director of public health services or the commissioner of health and human services any recommended changes in the schedule of charges based upon the ability of the patient or resident or those legally chargeable for their support to pay.

(d) Submit monthly to the director of mental health and developmental services or the director of public health services or the commissioner of health and human services a report setting forth any facts or information which bear upon or affect the domicile of any patient or residents of such institution, which the office of reimbursements has found in conjunction with investigations under this subdivision.

II. The director of mental health and developmental services or the director of public health services or the commissioner of health and human services shall recommend such action as he deems advisable.

4 Name Change. Amend RSA 554:19-a (supp) as inserted by 1971, 183:9 as amended by striking out said section and inserting in place thereof the following:

554:19-a Notice of Office of Reimbursements. Every administrator shall notify the office of reimbursements under the direction of the director of the division of mental health and developmental services if he has knowledge of liability under RSA 126-A:47.

5 Reference Changes. Amend the following sections of RSA by striking out all references to the "office of institutional collections" or the "office of

institutional collection" and inserting in place thereof the following (office of reimbursements) and by striking out all references to the "commissioner of health and welfare" and inserting in place thereof the following (commissioner of health and human services) so that said sections as amended shall refer to the office of reimbursements and the department of health and human services: RSA 126-A:46, 47, 48, 49, 51, 52, 53, and 54.

6 Reference Change. All references to the "office of institutional collections" in any law of the state of New Hampshire, shall be changed to read "office of reimbursements".

7 New Section. Amend RSA 126-A by inserting after section 45 the following new section:

126-A:45-a Other State Departments. The office of reimbursements, with the approval of the director of mental health and developmental services, may, upon request, act on behalf of any state department, as defined in RSA 9:1, to recover any moneys due such department. The office of reimbursements shall not be liable for any expenses or costs incurred in any action brought pursuant to this section.

8 Effective Date. This act shall take effect 60 days after its passage.

HB 651-FN, relative to screening for long term care. Ought to Pass.

The Committee felt that this type of legislation is absolutely necessary for health cost containment and in line with the health policy direction of the state. Vote 17-0. Rep. Matthew M. Sochalski for Health and Human Services.

Referred to Appropriations.

HB 762, requiring hospitals to provide emergency medical services to all applicants. Ought to Pass with Amendment. This bill provides that any hospital with emergency medical facilities shall not deny medical emergency treatment to any person, including an indigent person. Vote 19-0. Rep. Alberta Z. Clay for Health and Human Services.

Amendment

Amend RSA 151:31 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

151:31 Duty to Furnish Hospital Emergency Services. Every hospital, either public or private, which does business within this state and provides general medical and surgical services and emergency medical services shall furnish hospital emergency services to any applicant, including an indigent person, who applies for them in case of injury or acute medical condition where death, severe illness, or severe injury may occur.

HB 764, relative to the practice of optometry. Ought to Pass with Amendment.

After several sessions of fighting the issue of use of pharmaceutical agents by

optometrists, the optometrists and ophthalmologists have agreed on the issue and both groups support this bill as amended. The Committee unanimously supports the compromise. Vote 20-0. Rep. Elizabeth Hager for Health and Human Services.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Definition. Amend RSA 327:1 by striking out said section and inserting in place thereof the following:

327:1 Definitions. In this chapter:

I. "Pharmaceutical agents" means proparacaine not to exceed .5 percent solution, flures, sodium fluorescein dye, rose bengal dye, tropicamide not to exceed 1 percent solution, phenylephrine not to exceed 2.5 percent solution. The specification of these agents shall in no way preclude the addition of other pharmaceutical agents in strengths approved for diagnostic purposes under RSA 327:6-b.

II. "Practice of optometry" means the employment of any method or means, other than surgery, for the diagnosis of any optical defect, deficiency or deformity of the human eye, or visual or muscular anomaly of the visual system, or the adaptation or prescribing of lenses, prisms, or ocular exercises for the correction, relief or aid of the visual functions; provided, however, that the use of pharmaceutical agents shall be limited to topically applied non-narcotic agents for ocular examination purposes.

2 Examination Expanded. Amend RSA 327:6 as amended by striking out said section and inserting in place thereof the following:

327:6 Certificates of Qualifications and Fees. No person, except as otherwise provided in this chapter, shall practice optometry until he has passed an examination approved by the board in theoretical, practical and physiological optics, in theoretical and practical optometry, in pharmacological substances, and in anatomy, physiology and pathology of the eye, and shall have demonstrated his ability to properly use pharmaceutical agents for diagnostic purposes, the ophthalmoscope, the retinoscope and other scientific instruments and methods used in the practice of optometry, and has presented satisfactory evidence in the form of affidavits properly sworn to, that he is over 18 years of age and of good moral character, that he has had 2 years at a college of arts and sciences with satisfactory grades and graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. The fee for the examination or registration shall be \$100 and those passing the examination shall receive the certificate of qualification without additional charges. Any person failing to satisfactorily pass an examination shall be entitled to re-examination at any future meeting of the board within 2 years without further fee;

after 2 years the charge shall be \$20 for each subsequent examination.

327:6-a Presently Licensed

Optometrists; Requirements. With respect to optometrists licensed on or after July 1, 1985, only those licensed optometrists who have satisfactorily completed a course in pharmacology, as it applies to optometry, given by a school of medicine or optometry and approved by the board of registration in optometry, and who have successfully completed an examination on pharmacological substances authorized by the board, shall be permitted to use pharmaceutical agents for diagnostic purposes in the practice of optometry.

372:6-b Joint Pharmaceutical Formulary Board.

I. The joint pharmaceutical formulary board shall consist of 7 members as follows: 2 optometrists licensed and qualified to practice optometry in the state of New Hampshire under RSA 327; 2 physicians licensed and qualified to practice as ophthalmologists in the state of New Hampshire; one pharmacologist practicing in the state of New Hampshire; one pharmacist licensed and practicing in the state of New Hampshire; and one dentist licensed in the state of New Hampshire who shall be the public member of said board. Members of the initial board shall serve for staggered terms of 2, 3, and 4 years. Of the initial board, 2 shall serve for 2 years, 3 shall serve for 3 years and 2 shall serve for 4 years. All subsequent members appointed shall serve terms of 5 years and shall not be eligible for a second consecutive term. Recommendations for appointment shall be made to the governor and shall be subject to confirmation by the executive council. The optometric, physician, and pharmacy members shall be recommended by their respective professional associations. The dentist as public representative and the pharmacologist shall be nominated directly by the governor. The dentist shall serve as chairperson of the joint pharmaceutical formulary board. All members shall be residents of the state of New Hampshire. Neither they nor their spouses shall have any material financial interest in the provision of eye care services other than that which is directly connected to the practice of their professions.

II. The board shall meet not less than once nor more than twice in any calendar year to rule on the advisability of adding to or altering the list of allowed diagnostic pharmaceutical agents as defined in RSA 327:1, I and as referred by the optometry board. Decisions on such referrals shall be rendered within 45 days of written notice of the referral to the chairman, shall be determined by a simple majority with a quorum of 6 members and shall be binding on the board of optometry.

III. Violations of this section shall be reported in writing to the board of registration in optometry which shall investigate alleged violations and take disciplinary actions as appropriate under the powers granted under RSA 327:20. The joint pharmaceutical formulary board shall be apprised of all reported violations of this section and shall receive copies of all

reports, findings and disciplinary action taken. The use of any pharmaceutical agent other than those approved for diagnostic purposes or for other than diagnostic purposes shall be considered a violation of RSA 327:20.

3 Rulemaking. Amend RSA 327:31 by inserting after paragraph VIII the following new paragraph:

IX. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA 327:1, I.

4 Effective Date. This act shall take effect July 1, 1985.

HB 404, deleting the requirement for district court sessions in Epping. Ought to Pass.

Under this bill, the judge of the Exeter District Court will no longer be required to hold sessions in Epping. The selectmen in Epping have no objection to this bill. Vote 12-0. Rep. Donna P. Sytek for Judiciary.

HB 447, relative to distribution of assets seized in controlled drug arrests and appropriating certain proceeds to the drug forfeiture fund. Inexpedient to Legislate.

The provisions of this bill are being incorporated into HB 517. Vote 17-0. Rep. C. William Johnson for Judiciary.

HB 566, relative to fault grounds in divorce proceedings. Refer for Interim Study.

The Committee felt this bill needsd further study in view of the present use of the fault grounds. Vote 18-0. Rep. Frank J. Sylvia for Judiciary.

HB 576, relative to the crime of theft by deception. Refer for Interim Study.

This bill has merit, but needs to have some refinements and should be studied for that purpose. Vote 15-3. Rep. Frank J. Sylvia for Judiciary.

HB 584, relative to possession of weapons by felons. Inexpedient to Legislate.

The Committee believes that the current New Hampshire law, in conjunction with federal law, adequately deal with possession of weapons by felons. Currently, RSA 159:3 provides that no convicted felon may have in his possession a dangerous weapon and that violation of this law is a class B felony. Vote 8-4. Rep. Maureen E. Raiche for Judiciary.

HB 681, prohibiting game machines with cancellation buttons or cancellation keys. Refer for Interim Study.

The Committee feels this bill has merit, but requires further study. For these reasons the vote for interim study was 16-1. Rep. Geraldine G. Watson for Judiciary.

HB 682, relative to gambling and restricting the use of certain amusement machines. Inexpedient to Legislate.

The changes recommended by this bill would change the gambling law to an unmanageable and suppressive extent against some properly operated establishments and their employees, and is vague and causes considerable interpretive problems. Vote 15-1. Rep. Frank J. Sylvia for Judiciary.

HB 710, relative to the selection of guardians ad litem. Refer for Interim Study. It was the feeling of the Committee that the guardian ad litem system in New Hampshire needs major repair. Due to time limitations this bill could not get the research and overhaul it needs. Therefore, it is the feeling of the Committee that the bill be referred for Interim Study so the system can be corrected properly for the benefit of the children in our state. Vote 14-3. Rep. Donnalee Lozeau for Judiciary.

HB 768, relative to minimum mandatory sentences for felonious use of firearms. Inexpedient to Legislate.

Present law requires a one year mandatory sentence and allows judicial discretion in further sentencing. The Committee felt an increase in mandatory sentence inappropriate. Vote 12-0. Rep. Geraldine G. Watson for Judiciary.

HB 798, relative to separate maintenance. Inexpedient to Legislate. The Committee feels that this bill does not address the issue of separate maintenance. It would be a major change in the current law which testimony did not support. Vote 16-1. Rep. Elizabeth D. Lown for Judiciary.

HB 410, relative to the resolution of public employee labor disputes. Refer for Interim Study.

It was felt that the procedure of binding arbitration to resolve disputes between public employers and their employees needs further study. Vote 13-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 649, relative to private sector employee labor relations. Ought to Pass with Amendment.

The bill deals with protection for the people who work at race tracks and their right to who and how their representation of their bargaining units, responsibilities with management will be selected. This measure would direct the Labor Commissioner under RSA 273:15 for investigating controversies. The concern is that if a union is chosen to represent the people working at race tracks (dog and horse) that it be done fairly and ethically. Vote 13-0. Rep. Wilfred Burkush for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to employees of the dog and horse racing industry.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 273 by inserting after section 27 the following new subdivision:

Employees of the Horse and Dog Racing Industry

273:28 Definitions. In this subdivision:

I. "Employer" means any employing unit, including, but not limited to, any individual, partnership, association, joint venture, trust, estate, joint stock company or corporation, whether domestic or foreign, but not including any public employer as defined in RSA 273-A:1, X, which:

(a) Is an employing unit which is engaged in dog or horse racing or both and is licensed to conduct races under RSA 284; and

(b) Is an employing unit which in the current calendar year, has or had in employment one or more individuals.

II. "Employee" means any person who performs compensated services for an employer as defined in this section. Employee also means any individual who performed such compensated services and whose work ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment.

III. "Employee organization" means any organization of any kind, or any agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

IV. "Professional employee" means any employee engaged in work predominantly intellectual and varied in character, involving the consistent exercise of discretion and judgment, and requiring knowledge in a discipline customarily acquired in a formal program of advanced study.

V. "Terms and conditions of employment" means wages, hours and other conditions of employment.

273:29 Jurisdiction. The commissioner shall have jurisdiction, subject to the provisions of this subdivision, over any entity involved in horse and dog racing which, but for an express declination by the federal National Labor Relations Board to exercise jurisdiction, would be regulated by that federal board.

273:30 Obligation to Bargain. It is the obligation of the employer and the employee organization certified by the commissioner as the exclusive representative of the bargaining unit, or voluntarily recognized by the employer, to negotiate in

good faith. "Good faith" negotiation involves meeting at reasonable times and places in an effort to reach an agreement on the terms of employment, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

273:31 Unfair Labor Practices Prohibited.

I. It shall be prohibited practice for any employer:

(a) To restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this subdivision.

(b) To dominate or to interfere in the formation or administration of any employee organization.

(c) To discriminate in the hiring, tenure, or the terms and conditions of employment of its employees for the purpose of encouraging or discouraging membership in any employee organization.

(d) To discharge or otherwise discriminate against any employee because he has filed a complaint, affidavit or petition, or has given information or testimony under this subdivision.

(e) To refuse to negotiate in good faith with the exclusive representative of a bargaining unit.

(f) To fail to comply with this subdivision or any rule adopted under this subdivision.

II. It shall be a prohibited practice for the exclusive representative of any employee:

(a) To restrain, coerce or otherwise interfere with employees in the exercise of their rights under this subdivision.

(b) To restrain, coerce or otherwise interfere with employers in their selection of agents to represent them in collective bargaining negotiations or the settlement of grievances.

(c) To cause or attempt to cause an employer to discriminate:

(1) in the hiring or tenure, or the terms and conditions of employment of its employees for the purpose of encouraging or discouraging membership in any employee organization; or

(2) against an employee whose membership in an employee organization has been denied or terminated for reasons other than failure to pay membership dues.

(d) To refuse to negotiate in good faith with the employer.

(e) To fail to comply with this subdivision or any rule adopted under this subdivision.

273:32 Violations.

I. The commissioner shall have primary jurisdiction of all violations of RSA 273:31.

II. Complaints shall be filed by affidavit. A copy shall be given to the party complained against at the time the complaint is filed. The commissioner shall hold a hearing within 45 days under rules adopted by the commissioner, pursuant to RSA 541-A, and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the

representative of a party against whom a complaint has been filed.

III. The commissioner may issue a cease and desist order if it deems one necessary in the public interest, pending the hearing.

IV. The commissioner shall have the power to compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and to take testimony under oath, as provided in RSA 516. The commissioner may delegate such powers to any persons he may appoint.

V. Both parties shall have the right to be represented by counsel.

VI. The commissioner shall render its decision within 45 days after the hearing, in accordance with rules adopted by the commissioner, pursuant to RSA 541-A. Upon finding that a party has violated RSA 273:31, the commissioner may:

(a) Issue a cease and desist order;

(b) Order reinstatement of an employee with back pay;

(c) Require periodic reporting of compliance;

(d) Order payment of the costs incurred by a party negotiating in good faith in negotiations found by the commissioner to not have been carried on in good faith by the other party, if the commissioner finds such penalty appropriate to the circumstance; or

(e) Order such other relief as the commissioner may deem necessary.

273:33 Injunctions. The commissioner shall petition the superior court for the county in which the party sought to be enjoined is principally located for such order of the court as may be necessary to compel obedience to a final order of the commissioner. The superior court shall issue its order upon satisfying itself that:

I. The order of the commissioner was within his jurisdiction to issue; and

II. There is substantial evidence on the record considered as a whole to support the finding of the commissioner.

273:34 Determining Bargaining Unit.

I. The commissioner or his designee shall determine the appropriate bargaining unit and shall certify the exclusive representative of the unit when petitioned to do so under RSA 273:35. In making his determination, the commissioner shall take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it shall not be limited to those listed in this paragraph:

(a) Employees with the same conditions of employment.

(b) Employees with a history of workable and acceptable collective negotiations.

(c) Employees in the same historic craft or profession.

(d) Employees functioning within the same organizational unit.

II. The commissioner may certify a bargaining unit composed of professional and non-professional employees only if both the professional and non-professional employees, voting separately, vote to join the proposed

bargaining unit. Persons exercising supervisory authority involving the significant exercise of discretion may not belong to the same bargaining unit as the employees they supervise.

III. If the bargaining unit is determined by the commissioner's designee, the decision may be appealed to the commissioner for final determination.

273:35 Elections.

I. The commissioner shall investigate a petition filed under this paragraph and may hold hearings for the purpose of determining whether or not grounds exist for conducting an election. Upon so finding, the commissioner shall order an election to be held under his supervision and in accordance with rules adopted by the commissioner. Otherwise, he shall dismiss the petition. A petition may be filed by:

(a) At least 30 percent of the employees in the bargaining unit seeking recognition, alleging that they wish to be represented in collective bargaining by an employee organization as their exclusive representative or asserting that the employee organization which has been certified by the commissioner is no longer the representative of the majority of employees in the bargaining unit; or

(b) An employer alleging that one or more employee organizations has petitioned to be recognized as the exclusive representative of a majority of employees in a bargaining unit.

II. The petition shall consist of separate forms for each employee, whose names shall not be disclosed.

III. The ballot shall contain a space permitting a vote against representation by any employee organization whatever. No election shall be held within 12 months after an election in which a majority of those voting cast ballots against representation by any employee organization.

IV. An employee organization receiving a simple majority of the votes shall be certified by the commissioner as the exclusive representative of the bargaining unit. In the absence of a simple majority, a run-off election shall be conducted between the 2 options receiving the most votes.

V. The commissioner shall not certify any employee organization as the exclusive representative of a bargaining unit without an election being held pursuant to this section.

VI. (a) Certification as exclusive representative shall remain valid until the employee organization is dissolved, voluntarily surrenders certification, loses a valid election or is decertified.

(b) The commissioner shall decertify any employee organization which is found in a judicial proceeding to discriminate with regard to membership, or with regard to the conditions of membership, because of age, sex, race, color, creed, marital status or national origin; or has systematically failed to allow its membership equal participation in the affairs of the employee organization.

(c) Any challenge to a certified exclusive bargaining representative, whether in a decertification election or a challenge by another labor organization, shall result in decertification or change in bargaining representation if decertification or the challenging organization is approved by a majority vote of members of the bargaining unit voting.

273:36 Representation Rights.

I. Employers shall extend the following rights to the exclusive representative of a bargaining unit certified under RSA 273:35, or voluntarily recognized by the employer:

(a) The right to represent employees in collective bargaining negotiations and in the settlement of grievances. An individual employee may present an oral grievance to his employer without the intervention of the exclusive representative. Until the grievance is reduced to writing, the exclusive representative shall be excluded from a hearing if the employee so requests; but any resolution of the grievance shall not be inconsistent with the terms of an existing agreement between the parties.

(b) The right to represent the bargaining unit exclusively and without challenge during the term of the collective bargaining agreement. Notwithstanding the provisions of this paragraph, an election may be held not more than 180 nor less than 120 days prior to the date such collective bargaining agreement shall expire.

II. A reasonable number of employees who act as representatives of the bargaining unit shall be given a reasonable opportunity to meet with the employer or his representatives during working hours without loss of compensation or benefits.

273:37 Appeals. Any person aggrieved by a final order of the commissioner granting or denying in whole or in part the relief sought may obtain review of such order in the manner prescribed in RSA 541.

273:38 Actions By or Against an Employee Organization. Actions by or against the exclusive representative of a bargaining unit may be brought, without respect to the amount of damages, in the superior court of the county in which it is principally located, or where the plaintiff resides or has its principal place of business, if the plaintiff is a resident of this state or is incorporated in this state.

273:39 Rights of Employees. Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

273:40 Right to Strike. Nothing in this subdivision shall be construed so as to interfere with or impede or diminish in any way the right to strike.

2 Effective Date. This act shall take effect upon its passage.

HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws. Ought to Pass.

The Committee felt it was necessary to recodify the New Hampshire Workers' Compensation Laws as they have not been recodified since 1947. Recodification will bring together the many changes in the law in the last 38 years. Vote 12-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 669, relative to heart and lung disease in firefighters. Inexpedient to Legislate.

The same subject matter, with the inclusion of cancer as an occupationally related disease in firefighters, is considered the better measure and will be studied in HB 670. Vote 14-0. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HBI 2013, relating to impasse resolution under the public employee labor relations law. Inexpedient to Legislate.

This bill sets up a "select committee" to investigate and make recommendations relative to resolutions of impasses in public sector labor negotiations. The Committee felt the same work could be accomplished by the standing committee on Labor, Industrial and Rehabilitative Services at much less expense. Vote 13-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 321, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. Refer for Interim Study.

The Committee was reluctant to exclude an entire group of people, many of whom have developed their expertise and background through legislative service and would be well-qualified for positions in the executive branch. However, the sponsor's concerns over the costs of special elections are appropriate. The Committee would like to devote some time and effort in search of a solution. Vote 15-0. Rep. James A. Chandler for Legislative Administration.

HBI 2006, relating to the historical fund administered by the joint legislative historical committee. Refer for Interim Study.

Receipts from the sale of commemorative liquor bottles have declined substantially. A need exists to search out new sources of revenue for the historical fund. Vote 15-0. Rep. James A. Chandler for Legislative Administration.

HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of a dam or lowering water level of a pond or lake. Ought to Pass with Amendment.

The Committee feels that the bill, as amended, accomplishes the intent of two recommendations made in the report of the Legislative Dam Management Review

Committee. The sponsor and the Water Resources Board concur. Vote 14-0. Rep. Timothy Bates for Municipal and County Government.

Amendment

Amend RSA 481:3, XII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XII. To require cities and towns that operate state owned dams to do so in accordance with the provisions of this chapter and those of RSA 482, and pursuant to rules adopted by the board under RSA 541-A, upon the request of the governing body of a city or town. The operation of a dam by a city or town shall be supervised by a municipal employee who shall be designated by the board to act as its agent, in accordance with a mutually acceptable operating agreement.

Amend RSA 482:9-a, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. No owner shall breach any dam, lower any water body for the repair of any dam, or cause any significant lowering of the water level in a pond or lake without first notifying the local governing body in the cities or towns where said dam or water body is located at least 30 days prior to any action specified above. The provisions of this section shall not apply to dams impounding bodies of water less than 10 acres or to the normal scheduled lowering of water levels each fall, the normal lowering of a water body by the exercise of water rights, or the lowering of water levels in any emergency situation.

Amend RSA 482:9-a, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. The local governing body of each of the cities or towns shall hold a public informational meeting within 15 days of receipt of the notice from the dam owner. The local governing body shall publish a notice of the public informational meeting in a newspaper of general circulation in the county in which the action shall occur at least 7 days before the time set for said meeting. The public notice and informational meeting required by this section shall be in addition to and not in place of other provisions of law pertaining to dams.

HB 409-FN, authorizing a municipal road pay-back fee system. Refer for Interim Study.

The system proposed by this bill has considerable merit. Because it represents a high level of sophistication, the Committee desires time to study how it would apply in actual situations. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 411, amending the corporate charter of the Laconia airport authority. Ought to Pass with Amendment.

It was the full Committee agreement this bill ought to pass with proposed amendment. This is permissive housekeeping action to facilitate harmony within an appointive agency. Vote 19-0. Rep. Paul A. Golden for Municipal and County Government.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appointive Agency. Amend 1941, 272:3 as amended by 1983, 91:2 by striking out said section and inserting in place thereof the following:

272:3 Appointive Agency. The mayor of the city of Laconia; the members of the city council of Laconia; the commissioners of Belknap county; the board of selectmen of the town of Gilford; and a member of the county delegation, designated by the chairman, who shall not be a resident of Gilford or Laconia, hereinafter referred to as the appointive agency, shall, acting as a body over which the mayor of the city of Laconia shall preside, elect 4 other members of the authority, who shall serve for a term of 4 years and until their successors are elected. After public hearing, all of the 4 appointed members of the authority may be removed by a majority vote of the appointive agency upon written findings of inefficiency, neglect of duty, or malfeasance.

HB 423, authorizing municipalities to issue revenue bonds. Inexpedient to Legislate.

There is nothing in the statutes which would prevent the debt service on a revenue type bond from being paid by the users of a particular facility. Vote 15-2. Rep. Beverly A. Gage for Municipal and County Government.

HB 527, increasing the maximum size of development districts. Ought to Pass.

This bill increases the size of a permitted development district in a municipality from 6 acres to 10 acres, also clarifies the present statutes and gives the municipality greater flexibility in establishing the district. Vote 19-0. Rep. Roger C. King for Municipal and County Government.

HB 536, providing that the property tax exemption for the blind be computed without regard to whether property is assessed at its true and market value. Ought to Pass.

This bill provides the property tax exemption for the blind shall be computed without regard to whether property is assessed at its true and market value. Vote 17-2. Rep. Robert J. Callaghan for Municipal and County Government.

HB 543-FN, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed value. Ought to Pass.

This bill would allow the city of Concord a professional method of assessing costs of the central business service district. Vote 16-3. Rep. George M. West for Municipal and County Government.

HB 561, relative to village districts. Inexpedient to Legislate.

The preponderance of testimony was in opposition to this bill. The minimum of 500 legal voters would severely restrict the ability of dam beneficiaries to assume control. Vote 19-0. Rep. Leona Dykstra for Municipal and County Government.

HB 562, making the administrative official on a planning board a nonvoting member. Inexpedient to Legislate.

This proposal is contrary to established practice that ex officio members are voting members. The Committee feels that it is unfair to expect persons to attend Committee meetings and not be able to vote. Vote 17-2. Rep. Richard A. Grodin for Municipal and County Government.

HB 580, relative to collection of revenues by county officers. Inexpedient to Legislate.

It was the unanimous decision of Committee that this bill failed to accomplish proposed request of sponsor and could not be of any value to concerned parties. Vote 17-0. Rep. Paul A. Golden for Municipal and County Government.

HB 589, exempting land and structures used for agricultural purposes from zoning ordinance requirements. Ought to Pass with Amendment.

At the hearing on this bill, the Committee was shocked to learn of some planning and zoning decisions which were both harrassing and prejudicial to agriculture. The Committee unanimously recommends the bill as amended. The amendment is intended to serve as a clearly- enunciated statement of policy guidance governing planning and zoning activities. If this does not solve the problem, however, the majority of the Committee has indicated a willingness to support a more stringent measure at a future session. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to agricultural activities and municipal planning and zoning powers.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Agricultural Activities. Amend RSA 672:1 by inserting after paragraph III the following new paragraph:

III-a. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers.

HB 603-FN, relative to municipal utilities. Inexpedient to Legislate. This bill would seriously affect the current penalty provisions now in force in many municipalities. Vote 19-0. Rep. George M. West for Municipal and County Government.

HB 611, relative to property owner's rights in the town of Derry. Inexpedient to Legislate.

Problems with this bill ought to be settled at the local level. Vote 19-0. Rep. Catherine M. Brungot for Municipal and County Government.

HB 615-FN, relative to keeping county convention records. Ought to Pass. This bill repeals two archaic sections of the RSA relating to the keeping of County Convention records and has the support of the Secretary of State. Vote 19-0. Rep. Timothy Bates for Municipal and County Government.

HB 648, relative to property tax exemptions for senior citizens. Inexpedient to Legislate.

This bill would create an undue hardship on taxpayers and would delay possible recovery for many years. Vote 15-0. Rep. George M. West for Municipal and County Government.

HB 668-FN, relative to the establishment of capital reserve funds for the acquisition of land. Ought to Pass.

This bill adds land acquisition to the approved list of things for which a municipality may establish a capital fund. Vote 19-0. Rep. David M. Perry for Municipal and County Government.

HB 683-FN, prohibiting towns and cities from licensing video poker, video blackjack, and similar machines. Inexpedient to Legislate.

The Committee feels that either HB 681 or 682 is a more proper and definitive resolution of enforcement problems

relating to video poker, blackjack and similar machines. Vote 17-0. Rep. Timothy Bates for Municipal and County Government.

HB 728, relative to publication of city bylaws and ordinances. Ought to Pass.

This bill will allow cities to publish bylaws and ordinances by title and brief description resulting in substantial cost saving. Vote 18-2. Rep. George M. West for Municipal and County Government.

HB 739-FN, authorizing the county commissioners in Coos county to administer unincorporated places. Refer for Interim Study.

This bill was heard on March 28. It isn't a simple matter, and there isn't enough time to resolve conflicting views presented in testimony. Vote 20-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 779, relative to the publication of ordinances. Inexpedient to Legislate.

The subject matter of this bill was more adequately covered in HB 728. Vote 20-0. Rep. George M. West for Municipal and County Government.

HB 763, establishing a commission to study the feasibility of implementing an emergency telephone number. Inexpedient to Legislate.

The Committee agreed that the idea of a statewide emergency phone number had merit. It was further agreed that a study on this subject was much premature, and if implemented in the near future, would result in the spread of a study project for several years, taking much time, effort and mileage money. Such a study should be implemented only when many more communities have adopted a "911 emergency number." (Right now only 6 communities have either installed, or are installing such a procedure). Additionally, there would have to be much equipment, sophisticated and standard make, installed in the 13 phone companies operating in New Hampshire. Vote 15-1. Rep. Roland A. Morrisette for Public Protection and Veterans Affairs.

HB I 2012, relating to persons handling and servicing liquefied petroleum gas. Inexpedient to Legislate.

Investigation by the Committee has revealed that the liquefied petroleum gas industry is one of the closest regulated; by the industry itself, by inspectors of the United States Department of Transportation and by inspectors of the insurance companies which provide coverage. "National Fire Protection Association" codes, pertinent to all aspects of liquid gas operations have been adopted by the state. Training of new employees is conducted "in house" using industry training schedules; no person is permitted to operate liquid gas vehicles until completely qualified. Each such

employee is required to have an initial health examination, with annual renewals. The state Fire Marshal, under the provisions of RSA 153:5, has promulgated a "state fire code," which includes rules for the "handling and transportation of highly flammable liquids." Vote 16-0. Rep. Alfred Ellyson for Public Protection and Veterans Affairs.

HB 556-FN, relative to the classification of highways. Ought to Pass. The Committee felt this bill would clarify a sometimes confusing and unstable situation regarding compacts and populations. Vote 16-0. Rep. Gene G. Chandler for Public Works.

HB 621, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. Refer for Interim Study.

The Committee voted 17-0 to study the possibility of establishing restaurants or "coffee shops" along New Hampshire highways, whereby a fairer image of New Hampshire may be promoted. Rep. James J. White for Public Works.

HB 641-FN, relative to the reimbursement of utilities for relocation costs. Refer for Interim Study.

The Committee feels the bill addresses a major problem, however, much study must be made before legislation of this type can be instituted as it is a break with current procedures dealing with utilities. Vote 18-0. Rep. Sandra B. Keans for Public Works.

HB 671-FN, relative to providing access to land. Inexpedient to Legislate. This bill emanated from a problem encountered in a land taking. Discussions have been scheduled between the person involved and the Highway Department and hopefully will lead to a mutually agreeable solution. Vote 18-0. Rep. James A. Chandler for Public Works.

HB 547, extending the time within which pari-mutuel pools may be sold. Ought to Pass.

This bill is a companion feature of HB 548. Vote 14-4. Rep. Robert R. Blaisdell for Regulated Revenues.

HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing. Ought to Pass.

This is a housekeeping bill that firms up the time interval for Rockingham Park pari-mutuel tax rates versus construction bonds. Vote 14-0. Rep. Robert R. Blaisdell for Regulated Revenues.

HB 700-FN, relative to bingo. Refer for Interim Study.

The Committee felt that more input from public sources was required before a satisfactory assessment could be rendered. Vote 14-0. Rep. Robert R. Blaisdell for Regulated Revenues.

HB 786, requiring notice and hearing prior to liquor license revocation or suspension and providing an appeals process. Refer for Interim Study.

At the present time there is an appeals process. Therefore, this legislation should be studied to improve the process. Vote 14-4. Rep. Lynn C. Horton for Regulated Revenues.

HB 642, relative to bonding of subsurface disposal system designers and installers. Inexpedient to Legislate.

This bill for bonding would place an undue burden on the designer and the installer of subsurface disposal systems. In addition, the Committee feels this legislation does not serve the purpose for which it was intended. Vote 17-1. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 801, relative to three lighthouses on Lake Sunapee. Ought to Pass.

This bill eliminates the requirement that the Lake Sunapee Protective Association carry public liability insurance during the exercise of its rights to maintain three lighthouses on Lake Sunapee. Vote 18-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HBI 2011, relating to use of our forest resources. Refer for Interim Study.

There is reason to consider the effect of bio-mass harvest on soil fertility and ecologic factors of the forests. Vote 17-1. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 699, relative to storage costs for radioactive waste. Ought to Pass.

This bill adds the word "future" to the law. At present, only the cost of present storage of radioactive debris must be taken into account during the rate-making process. Vote 8-0. Rep. Roland A. Frechette for Science and Technology.

HB 499, relative to the disposal of state owned real property. Ought to Pass with Amendment.

This bill, as amended, would require the state to offer the land to the town, city or county before selling the land to a private concern. It is a practice presently being done and this adds the step to the RSA. Vote 14-0. Rep. Ronald R. Laurion for State Institutions and Housing.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Disposal of Real Estate. Amend RSA 4:40 as amended by striking out said section and inserting in place thereof the following:

4:40 Disposal of Real Estate. Disposal of state owned real estate shall occur as follows:

I. Upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the long range capital planning and utilization committee, all requests for the disposal or leasing of state owned properties shall be reviewed and approved by the council on resources and development prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

II. Sales of real property under this section shall be at not less than a current market value of the subject property as may be determined by the governor and council. If the town, city, or county decides to resell the property, it shall first offer the property to the state at the market value at the time of sale.

III. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust, or to state lands or their products required to be held to procure a continuance of federal conservation work.

HB 579, relative to regulation of manufactured housing parks. Ought to Pass with Amendment.

This bill was requested by the Office of the Attorney General. HB 579 merely expands the definition of manufactured housing as is used in RSA 205-A entitled Regulation of Manufactured Housing Parks. The Committee amended the bill slightly to insure that this expanded definition could not be construed to apply to any other chapter of the law. Vote 13-0. Rep. Deborah L. Arnesen for State Institutions and Housing.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 205-A:1 (supp) as inserted by 1973, 291:1 as amended by striking out said paragraphs and inserting in place thereof:

205-A:1 Definitions. As used solely in this chapter unless the context specifically requires otherwise:

I. "Manufactured housing" includes, but is not limited to, manufactured housing as defined by RSA 674:31, and also includes any prefabricated dwelling unit which:

(a) Is designed for long term and continuous residential occupancy;

(b) Is designed to be moved on wheels, as a whole or in sections; and

(c) On arrival on the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities, and placing on support or permanent structure.

II. "Manufactured housing park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing.

III. "Person" means any natural person, corporation, partnership, or sole proprietorship.

IV. "Tenant" means any person who owns or occupies manufactured housing and pays rent or other consideration to place said manufactured housing in a manufactured housing park.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 581, relative to the regulation of rental referral agencies. Ought to Pass. This bill addresses a concern expressed by the Attorney General about rental referral agencies. Passage of this legislation will close a loophole whereby individuals have been able to circumvent current laws. Vote 13-0. Rep. Ralph Parker for State Institutions and Housing.

HB 232-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee. Ought to Pass with Amendment.

The amendment removes everything from the bill except adoption of the bow numbering system. Many issues raised at the hearing led a majority of the Committee to feel that further study was needed. The Committee unanimously approved the bow numbering system and will continue to work on the rest of the bill. Vote 10-0. Rep. Stephen Sloan for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to adopting the federal boat numbering system.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 270-B the following new chapter:

CHAPTER 270-C ADOPTION OF FEDERAL NUMBERING SYSTEM FOR CERTAIN WATERCRAFT

270-C:1 Definitions. As used in this chapter:

I. "Commissioner" means the commissioner of the department of safety.

II. "Department" means the department of safety.

III. "Documented vessel or motorboat" means a vessel or motorboat for which a certificate of documentation has been issued by the United States Coast Guard.

IV. "Motorboat" means a watercraft of any size equipped with propelling machinery, whether or not the machinery is the principal source of propulsion.

V. "Numbers and numbering" means the appropriate number and the process of issuing identification numbers and a numbers certificate for a vessel or motorboat.

VI. "State of principal use" means the state on whose waters a vessel is used, or is to be used, the most during the calendar year.

VII. "Vessel" means every description of watercraft, other than seaplanes, used or capable of being used as a means of transportation on water.

VIII. "Waters of the state" means those waters defined in RSA 270:2, IX.

270-C:2 Application for Numbering.

I. The owner of each vessel required to be numbered by the state shall file an application for a number with the department on forms approved by it.

II. The application shall be signed by the owner of the vessel and shall be accompanied by the appropriate fee. Upon receipt of the application and fee, the department or its authorized agent shall enter the same upon the records of the department and issue to the applicant a certificate of numbers stating the numbers assigned to the vessel. The application shall contain such information as the commissioner shall determine, including the state of principal use.

III. The owner shall paint on, attach or otherwise display to each side of the forward half of the vessel the identification numbers not less than 3 inches in height, with block letters of contrasting color, and they shall be clearly readable when the vessel is being operated. The numbers shall be maintained in legible condition. The certificate of numbers shall be of pocket size, and shall be available at all times for inspection on the vessel for which it was issued whenever such vessel is in operation.

IV. No numbers other than the numbers validly assigned to a vessel shall be painted, attached or otherwise displayed on either side of the forward half of such vessel.

270-C:3 Fees. The numbering fee for private and commercial vessels shall be as follows:

Class A	less than 16 feet	\$3
Class 1	16 feet to 25.9 feet	\$3
Class 2	26 feet to 39.9 feet	\$3
Class 3	40 feet and over	\$3

270-C:4 Expiration; Renewal. Every certificate of numbers issued pursuant to RSA 270-C:2 shall expire on December 31 annually unless sooner terminated or discontinued in accordance with this chapter. No fees shall be prorated. Certificates of numbers shall be renewed by the owner in the same manner provided for initial applications.

270-C:5 Change of Owner. Should the ownership of a numbered vessel change, a new application form with a \$3 fee shall be filed with the department, and a new certificate of numbers shall be issued in the same manner provided for the original assignment of numbers.

270-C:6 Federal Numbering System. If an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department shall be in conformity with the federal system.

270-C:7 Issuing Agents. The department may issue certificates of numbers directly, or may authorize any person, including the director of the division of safety services, to act as agent for their issuance.

270-C:8 Numbering Records to be Public. All records of the department made or kept pursuant to this chapter shall be public records.

270-C:9 Exemptions from Numbering Provisions. A vessel shall not be required to be numbered under this chapter if it is:

I. Covered by a certificate of numbers in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state.

II. A foreign vessel temporarily using waters subject to United States jurisdiction.

III. A vessel whose owner is the United States, a state or a subdivision of a state, used exclusively in the public service, and which is clearly identifiable as such.

IV. A vessel's lifeboat.

V. A vessel which is documented by the United States Coast Guard or its federal agency successor.

VI. A vessel which is being operated under a temporary certificate.

VII. A nondocumented vessel used exclusively for racing events.

VIII. A vessel being operated by a boat dealer for demonstration purposes.

IX. A sailboat under 16 feet in length or a canoe, racing shell, or rowboat which is not powered by an inboard or outboard motor, or any boat powered by a motor of less than 10 horsepower provided that there is displayed in some location on the vessel an identifying tag listing the name and address of the vessel's owner.

270-C:10 Operation of Unnumbered Vessels Prohibited. Every vessel using the waters of this state shall be numbered, except those exempted by RSA 270-C:9. No person shall operate or give permission for the operation of any vessel on the waters of this state unless the vessel is numbered in accordance with this chapter, applicable federal law, or a federally approved numbering system of another state, and unless the certificate of numbers issued to such vessel is on board and in full force and effect and the identifying numbers set forth in the certificate of numbers are displayed on each side of the forward half of such vessel. Any person who violates this section shall be guilty of a violation, and, notwithstanding the provisions of title

LXII, may be fined not more than \$500 for the first offense and shall be guilty of a misdemeanor for a second offense.

270-C:11 Notice of Transfer, Destruction or Abandonment. The owner shall furnish the department written notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a vessel numbered in this state pursuant to this chapter or the destruction or abandonment of such vessel within 15 days of its transfer, destruction or abandonment. Such transfer, destruction or abandonment shall terminate the certificate of numbers for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's rights to operate such vessel the transfer shall not terminate the certificate of numbers. If a vessel is transferred, the original number shall be retained by the new owner.

270-C:12 Change of Address. Any holder of a certificate of numbers shall notify the department in writing within 15 days if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the department with his new address.

270-C:13 Transmittal of Information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department pursuant to RSA 270-C may be transmitted to any official or agency of the United States for analytical and statistical purposes.

270-C:14 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Numbering applications.
- II. Certificates of numbers.
- III. Display of numbers.
- IV. Reports on change of address.
- V. Destruction, abandonment, sale or transfer of ownership.

VI. Other matters related to the administration of this chapter.

2 Status of Vessels Covered by a Certificate of Numbers. The owner of a vessel which is used primarily in New Hampshire and which is already covered by a certificate of numbers in full force and effect which was assigned to the vessel pursuant to federal law shall not be required to apply for a certificate of numbers under the provisions of RSA 270-C until January 1, 1987, so long as such certificate of numbers would otherwise be valid up to that date.

3 Effective Date. This act shall take effect January 1, 1986.

HB 258, relative to the motor vehicle laws. Ought to Pass with Amendment. This is an omnibus bill requested by the Department of Safety. The amendment clears up some points and adds some other changes which were brought up at the hearing. Vote 10-0. Rep. Stephen Sloan for Transportation.

Amendment

Amend RSA 259:59 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

259:59 Motor Truck. "Motor truck" shall mean any truck of greater than 18,000 pounds manufacturer's gross vehicle weight rating, or any motor vehicle equipped with other than pneumatic tires.

Amend RSA 259:88 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

259:88 Resident. "Resident" shall mean a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

Amend RSA 263:1-a as inserted by section 16 of the bill by striking out same and inserting in place thereof the following:

263:1-a Allowing an Improper Person. No person shall knowingly permit a motor vehicle owned or controlled by him to be driven by a person who is not properly licensed or otherwise entitled to drive. Any person who violates this section shall be guilty of a violation, and if the license or driving privilege of the person allowed to drive is under suspension or revocation, the owner or person in control of the vehicle, notwithstanding title LXII, shall be fined not less than \$100.

Amend the bill by striking out sections 23-24 and inserting in place thereof the following:

23 Bumper Bar Height. Amend RSA 266:9 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

266:9 Height of Motor Vehicle Body and Chassis. No person shall change the height of a motor vehicle by any device so that the horizontal bumper bar falls below the minimum distance of 16 inches in all cases or above the maximum distance of 20 inches for motor vehicles with a manufacturer's gross vehicle weight rating of 5,000 pounds or less; 26 inches for motor vehicles with a manufacturer's gross vehicle weight rating of 5,001 to 7,500 pounds; or 30 inches for motor vehicles with a manufacturer's gross vehicle weight rating of more than 7,500 pounds, as measured from the level ground to the bottom of the bumper bar. No motor vehicle that has been so changed shall be driven on any way without the prior approval of the director.

24 New Section. Amend RSA 266 by inserting after section 72 the following new section:

266:72-a Motor Carriers; Equipment.

I. The director may adopt as rules, pursuant to RSA 260:5, the federal motor carrier safety regulations contained in 49 C.F.R. sections 390-397, and he shall be authorized to exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which in his judgment impose an unnecessary regulatory burden without providing a corresponding safety benefit.

II. Whenever the director finds that a motor carrier safety regulation in 49 C.F.R. sections 390-397 provides an equal or greater degree of safety he may, pursuant to

RSA 260:5, adopt the federal regulation as a rule and said rule shall take precedence over the conflicting provisions of this title. No person who is in compliance with the corresponding rule adopted by the director shall be convicted of violating a conflicting provision of this title. The director shall request the introduction, at the next annual session of the legislature following adoption of such a rule, of legislation amending or repealing the conflicting provision of this title and, if the legislation is not enacted, any rule so adopted shall be automatically repealed 60 days after the last day of the legislative session.

Amend paragraph one of section 27 of the bill by striking out same and renumbering paragraphs II-III to read as I and II, respectively.

Amend paragraph I of section 28 of the bill by striking out same and inserting in place thereof the following:

I. Section 25 of this act shall take effect 60 days after its passage.

Amend the bill by striking out section 25 and renumbering sections 26-28 to read as 25, 26 and 27, respectively.

HB 359, relative to driver's license revocation appeals. Ought to Pass.

House Bill 359 causes any problems relating to revocation or refusal to issue a license to be brought to a solution within a specified time. It also clears up confusion resulting from implied consent hearing appeals. A third section places the burden of proof upon the petitioner in cases going to Superior Court. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

HB 563, prohibiting the use of radar detectors. Inexpedient to Legislate. This bill did not appear to have a great deal of merit as well as raising questions of infringement of individual rights. Only one person spoke in favor of the bill and this testimony was extremely brief. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

HB 593-FN, relative to special plates for active members of civil defense organizations. Inexpedient to Legislate. Testimony at the hearing did not convince the Committee that there was a need to develop a special license plate for active members of civil defense organizations at a cost, according to the fiscal note, of \$24,855 for FY 1986. Vote 10-0. Rep. Roger Stewart for Transportation.

HB 601-FN, relative to driver's license fees. Refer for Interim Study. The Committee decided that more study was needed relative to the training provided to emergency personnel. Vote 8-1. Rep. Stephen Sloan for Transportation.

HB 617-FN, relative to the regional fuel tax agreement. Ought to Pass.

This bill makes some minor changes in the bill passed in the last session which brings New Hampshire into line within the agreement reached with other states. Vote 10-0. Rep. Stephen Sloan for Transportation.

HB 646-FN, relative to low number motor vehicle license plates. Inexpedient to Legislate.

The Committee felt there would be many complications arise which would make it very difficult to administer the issuing of unused number plates 1-9999 through a lottery system. Vote 10-1. Rep. Roger Stewart for Transportation.

HB 765-FN, relative to motor vehicle registration fees. Inexpedient to Legislate.

The Committee felt that motor vehicle registration fees should be based on vehicle weight rather than on vehicle value. The concept expressed in this bill seeks to change vehicle registration fees to value. At the present time, the computers in use at the Department of Safety are not programmed to give a real picture of comparison and it would be costly to get this done by an outside agency. Vote 10-0. Rep. Elmer H. York for Transportation.

HB 784-FN, relative to motor vehicle registration fees. Refer for Interim Study.

The Committee felt that before a rate increase on vehicle registration fees for manufacturers and dealers of motor vehicles, motorcycles and mopeds along with transporters and utility dealer registrations there should be a thorough study made on the use or misuse of them. Vote 10-0. Rep. Roger Stewart for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 476-FN, relative to the health services competition law and making an appropriation therefor. Ought to Pass with Amendment.

The Committee was unanimous in supporting this first positive step toward health care cost containment knowing full well that special interest groups will lobby hard to reverse this consumer/constituent legislation. Vote 19-0. Rep. Marion L. Copenhaver for Health and Human Services.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose and Policy.

I. The general court hereby finds that the health and economic welfare of the citizens of this state is being threatened by increases in the cost of health care services. It is the legislative intent, pursuant to this perceived threat, to

establish a system for the collection of data relative to the cost and utilization of health care services and relative to the financial condition of health care facilities licensed in this state. The collection of health care data will provide the health care industry with the information necessary to identify specific areas for improved efficiencies in the way medicine is practiced and medical services are delivered. It will also result in establishing and enhancing health care planning throughout the state. In addition, access to and exchange of health care data for the general public and health care industry will aid in infusing and supporting free market forces in that industry.

II. The general court also recognizes that the general welfare and protection of the lives, health, and property of the people of this state require that all new institutional health services be developed in a manner which avoids unnecessary duplication, contains increases in the cost of delivering services, and promotes rational allocation of health care resources in the state. It is legislative intent that the need, cost, type, level, quality, and feasibility of providing any new institutional health services be subject to review and assessment prior to any offering or development.

2 New Subdivision. Amend RSA 126 by inserting after section 24 the following new subdivision:

Health Care Data

126:25 Data Collection.

I. Each nursing home, acute care hospital, and specialty hospital licensed under the provisions of RSA 151 shall file annually health care data as required by the commissioner of health and human services, pursuant to RSA 126:27, with the division of public health services. This data shall include, but not be limited to:

(a) Financial information for its preceding fiscal year, which the commissioner may require to be in the form of a certified financial statement, including, but not limited to, costs of operation, revenues, assets, liabilities, fund balances, other income, units of services, and aggregate wage and salary data;

(b) The type of ownership and name of owner;

(c) The number and type of beds;

(d) For hospitals, the data now collected through the uniform hospital discharge data set and the annual hospital survey;

(e) For special hospitals with an average length of stay less than 30 days, data equivalent to the uniform hospital discharge data set and the annual hospital survey;

(f) For facilities with an average length of stay of more than 30 days, including specialty hospitals and nursing homes, a uniform long-term care data set based on annual patient census, annual aggregated use data on patient days, and the discharges and admissions of the facility;

(g) Disposition destination of each patient or resident admitted;

(h) Charge data as follows:

- (1) acute care hospitals and specialty hospitals with an average length of stay less than 30 days - charge by discharge; and

- (2) specialty hospitals and nursing homes - average patient day charge;

(i) Any demographic or diagnostic information necessary for the administration of this subdivision.

II. In addition to the data listed in paragraph I, the commissioner of health and human services may require all providers licensed to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the health services planning and review board established by RSA 151-C:3. This plan shall be submitted to the commissioner of health and human services by January 1, 1987.

126:26 Data Review. The division of public health services shall provide access to the data collected under RSA 126:25 to the health services planning and review board which shall review such data and make an annual report on or before November 15 beginning in 1986, to the speaker of the house of representatives and president of the senate. The report shall contain, but not be limited to, an analysis and evaluation of the data collected and recommendations for improved efficiencies and for health care cost containment. The health services planning and review board is also authorized to prepare periodic reports on price and utilization of health services for the purpose of encouraging competition.

126:27 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

I. The types of data which each facility shall be required to file under RSA 126:25.

II. The form in which data shall be filed under RSA 126:25.

III. The times at which data shall be filed under RSA 126:25.

IV. User fees which shall be assessed persons requesting data under RSA 126:28 or 30.

V. Confidentiality of data collected under this subdivision subject to the provisions of RSA 126:28.

VI. Procedures for obtaining data from the division of public health services under RSA 126:28.

126:28 Availability of Data. Notwithstanding any other provision of law, all information required to be filed under this subdivision, with the exception of confidential commercial and financial information as defined in RSA 151-C:2, shall be made available to the public upon request, provided that individual patients or health care practitioners shall not be directly or indirectly identifiable.

126:29 Penalties.

I. In addition to any other penalties provided by law, any acute care hospital or specialty hospital which willfully fails to comply with the provisions of this subdivision shall be

subject to a civil penalty of \$100 for each day of noncompliance, which shall not be reimbursable by any insurer licensed under RSA 415.

II. In addition to any other penalties provided by law, any nursing home licensed under the provisions of RSA 151 which willfully fails to comply with the provisions of this subdivision shall be subject to a civil penalty of \$100 for each day of noncompliance, which shall not be reimbursable by any insurer licensed under RSA 415.

126:30 User Fees. Any person, other than those covered by the fee provisions of RSA 151-C:15, I, requesting copies of data filed with the division of public health services shall pay to the division a fee established by the commissioner of health and human services pursuant to RSA 126:27, IV. Fees paid under this section shall be deposited into a revolving account which shall not lapse and shall be used in administering the responsibilities of the division of public health services under this subdivision.

3 Rulemaking. Amend RSA 126:1, II (supp) as inserted by 1979, 452:1 by striking out said paragraph and inserting in place thereof the following:

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. The commissioner shall adopt rules, pursuant to RSA 541-A, to insure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose. The commissioner shall also adopt rules, pursuant to RSA 541-A, to insure that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public.

4 Repeal of Rules. The rules of the bureau of vital records and health statistics relative to the uniform hospital discharge data set (UHDDS), adopted under the provisions of RSA 126:1, II and designated as Part Vit 801 of the bureau's rules, are hereby repealed.

5 Transition. No specialty hospital or nursing home licensed under the provisions of RSA 151 shall be required to file health care data pursuant to this act until January 1, 1986.

6 Chapter Revision. Amend RSA 151-C as inserted by 1979, 304:1 as amended by striking out said chapter and inserting in place thereof the following:

CHAPTER 151-C CERTIFICATE OF NEED REVIEW OF PROPOSED NEW INSTITUTIONAL HEALTH SERVICES

151-C:1 Legislative Findings; Public Interest; Review and Assessment of New Health Services. It is declared to be the public policy of this state that:

I. The general welfare and protection of the lives, health, and property of the people of this state require that all new institutional health services

be offered or developed in a manner which avoids unnecessary duplication, contains or reduces increases in the cost of delivering services, and promotes rational allocation of health care resources in the state;

II. The state has a compelling interest in working with the health care delivery system to set standards relative to the size, type, level, quality, and affordability of health services offered in New Hampshire; and

III. The state has an interest in promoting and stimulating competition in the health care marketplace as a means of managing the increases in health care costs.

151-C:2 Definitions. As used in this chapter:

I. "Ambulatory surgical facility" means a facility which is not physically attached to a health care facility and which provides surgical treatment to patients not requiring hospitalization, and does not include the offices of private physicians or dentists, whether in individual or group practices.

II. "Applicant" means a person responding to a request for application for certificate of need.

III. "Bed capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service (staffed).

IV. "Board" means the health services planning and review board established in RSA 151-C:3.

V. "Business day" includes any day, Monday through Friday, except legal holidays.

VI. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

VII. "Categories of service" means health services offered in or through a health care facility which were not offered on a regular basis in or through such health care facility within the 12 month period before the time such services would be offered.

VIII. "Certificate of need" means a certificate issued by the state agency approving the offering or development of a proposed new institutional health service.

IX. "Certificate of need review" means the review of applications submitted in response to a request for application published by the health services planning and review board.

X. "Confidential commercial information" means any information filed either by a hospital in connection with its corporate plan or application for reorganization or by a payor that contains either a trade secret or other commercial information:

(a) that has not yet been revealed to persons other than (i) employees, agents, or attorneys of the filing party, (ii) other persons or entities

with which the filing party is engaging in a joint venture or other commercial action in concert; and (iii) other persons or entities with which the filing party is actively negotiating for the purchase or sale of goods or services; and

(b) that would, if revealed, substantially and adversely affect the ability of the filing party or its affiliated interests to compete with other entities offering or proposing to offer the same goods and services in the same market.

XI. "Confidential financial information" means any information filed by a hospital in connection with its corporate plan or application for reorganization:

(a) that has not yet been revealed to persons other than (i) employees, agents, or attorneys of the hospital; (ii) other persons or entities with which the hospital is jointly participating in an effort to obtain financing; and (iii) other persons or entities to which the hospital has applied for financing;

(b) that would, if revealed, substantially, predictably, and adversely affect the ability of the hospital or its affiliated interests to obtain financing on reasonable terms in competition with other seeking similar types of capital; and

(c) that could lawfully be concealed under applicable laws governing financial transactions.

XII. "Construction" includes actual commencement of any construction or fabrication of any new building, or addition to any existing facility, or any expenditure of more than \$1,000,000 relating to the alteration, remodeling, renovation, modernization, improvement, relocation, repair, or replacement of a health care facility or health maintenance organization, including expenditures necessary for compliance with life and health safety codes.

XIII. "Consumer of health care" means a person who is not a provider of health care.

XIV. "Conversion" means change of the distribution of existing beds in a health care facility affecting acute care, skilled nursing care, intermediate care, psychiatric care, and substance abuse care as defined in the applicable state or federal law.

XV. "Days" means calendar days, unless otherwise specified.

XVI. "Health maintenance organization" means a public or private organization, organized under the laws of any state or the federal government which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage; and

(b) Is compensated, except for co-payments, for the provision of the basic health care services listed in subparagraph (a) to enrolled participants on a predetermined periodic basis without regard to the date on which health care services are provided; a predetermined periodic basis shall be fixed without regard

to the frequency, extent, or kind of health care service actually provided; and

(c) Provides physician services primarily (1) directly through physicians who are either employees or partners of such organization, or (2) through arrangements with individual physicians or one or more groups of physicians organized in a group practice or individual basis, or (3) a combination of (1) and (2), as provided herein.

XVII. "Health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act, or successor provision" means a health maintenance organization which the Secretary of the Department of Health, Education, and Human Services determines, upon the basis of an application and the submission of any information and assurances which he finds necessary, may be eligible for assistance under Title XIII of the Public Health Service Act, or successor provision.

XVIII. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

XIX. "Home health agency" means a public agency or private organization, or a subdivision of such an agency or organization, primarily engaged in providing directly or through contract arrangements, one or more of the following services or items: professional nursing services, home health aid services and other therapeutic and related services, including, but not limited to, physical, speech, and occupational therapy; nutritional and medical services; medical supplies (other than drugs and biologicals); and the use of medical appliances, to persons in their places of residence on a part-time or intermittent basis.

XX. "Hospital" means an institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons, and includes such federally owned hospitals as agreed on a voluntary basis to be subject to review of proposed new institutional health services under this chapter. The term "hospital" includes psychiatric and substance abuse treatment hospitals.

XXI. "Independent diagnostic laboratory" means a laboratory, not owned or operated by a hospital or any other health care facility, which holds itself out to other health care providers as available for performance of diagnostic tests, and which accepts from, and performs for or on behalf of, other health care providers, during any calendar year, diagnostic tests on at least 100 specimens in any one of the following categories: microbiology, serology, clinical chemistry, immunohematology, hematology, pathology, and radioassay.

XXII. "Institutional health services," except as used in RSA 151-C:4,

means health services provided in or through health care facilities or health maintenance organizations, and, except as otherwise specified in this chapter, the term includes the entities in or through which such services are provided.

XXIII. "Intermediate care facility" means an institution which, on a regular basis, provides health-related care and services of a lower level than those provided by a hospital or skilled nursing facility but above the level of room and board.

XXIV. "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions which is used to provide medical and other health services and which costs more than \$400,000. In determining whether medical equipment costs more than \$400,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

XXV. "Major new facilities" means the construction, development, or other establishment of a new health care facility, the total cost of which is in excess of \$1,000,000.

XXVI. "Nursing home" means a place which shall provide, for 2 or more persons, basic domiciliary services (board, room, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required.

XXVII. "To offer," when used in connection with health services, means that a health care provider holds itself out as capable of providing, or as having the means for the provision of, specified health services.

XXVIII. "Person" means an individual, trust, state, partnership, committee, corporation, nonprofit health service corporation, association and other organizations such as joint stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

XXIX. "Physical facility or site" means the total buildings, structures, and land of a health care facility.

XXX. "Provider of health care" means a person:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician, in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations, in which such care is provided and, when required by the laws of this state, who has received professional training in the provision of such care or in

such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph (c)(2) or (c)(4) of this paragraph other than an entity described in either such subparagraph which is also an entity described in section 501(c) (3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in subparagraph (c)(3) of this paragraph;

(c) Who receives (either directly or through the person's spouse) more than 1/5 of his gross annual income from any one or combination of the following:

(1) Fees or other compensation for research into or instruction in the provision of health care;

(2) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(3) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(4) Entities engaged in producing drugs or such other articles;

(d) Who is the member of the immediate family of an individual described in subparagraph (a), (b), or (c); or

(e) Who is engaged in issuing any policy or contract of individual or group health insurance, hospital, or medical service benefits. An individual shall not be considered a provider of health care solely because the individual is a member of the governing board of an entity described in subparagraph (c)(2) or (c)(4).

XXXI. "Psychiatric hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis, treatment, and rehabilitation of mentally ill and emotionally disturbed persons.

XXXII. "Qualified applicant" means an applicant who has submitted an application in response to a request for application as published by the health services planning and review board.

XXXIII. "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

XXXIV. "Request for application" means a formal publication of need for a specific service based on an existing standard, revised standard, or new standard as developed pursuant to RSA 151-C:5 and 6.

XXXV. "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in

providing to injured, disabled, or sick inpatients skilled nursing care, and rehabilitative and related services.

XXXVI. "Standard" means a health policy guideline developed by the health services planning and review board and instituted under the provisions of RSA 541-A.

151-C:3 Health Services Planning and Review Board.

I. There is hereby established a health services planning and review board composed of 9 members to include the following:

(a) The commissioner of health and human services or his appointee;
(b) The commissioner of insurance or his appointee; and
(c) The commissioner of administrative services or his appointee.

(d) The remaining 6 shall be appointed by the governor and shall represent:

(1) Purchasers or consumers of health care services;
(2) One representative from the hospital provider community;
(3) One representative from the nursing home community; and
(4) Representatives of labor.

II. Each member appointed under subparagraph I(d) shall serve for 3 years and may be reappointed.

III. A member of the board may resign upon written notice to the governor. The governor shall appoint a replacement to fulfill the unexpired term. A member of the board may be discharged pursuant to RSA 4:1.

IV. The governor shall appoint a chairman of the board, who shall serve at the pleasure of the governor, from among its members.

V. Members of the board shall be reimbursed for reasonable expenses incurred in carrying out their duties under this chapter.

VI. The board shall be administratively attached, pursuant to RSA 21-G:10, to the division of public health services and shall exercise its powers, duties, functions, and responsibilities independently of the division and the department of health and human services, except as specifically provided by law. The board shall submit its budget requests and such reports required of it by law through the division of public health services.

VII.(a) The director of the division of public health services shall provide staff to support the work of the board and shall appoint, from among the staff, a person to serve as staff director who shall oversee the staff and act as liaison between the director and the board. The director shall also provide space for the board and staff and other assistance and materials as necessary.

(b) The staff director shall account to the director of the division of public health services for the administration of funds allocated under this chapter, for the conduct of the staff, and shall timely and appropriately execute his duties.

151-C:4 Prohibitions.

I. No new institutional health service shall be offered or developed within the state, nor shall any arrangement or commitment for financing the offering or developing of a new institutional health service be made, except pursuant to obtaining a certificate of need for such service.

II. No certificate of need shall be granted by the board unless a standard has been developed which delineates the need for the service and outlines the criteria which must be met by any person proposing such a service.

151-C:5 Standard Development.

I. Prior to development or review of any new institutional health service the board shall:

(a) Develop a comprehensive mailing list of the state's health care facilities, health maintenance organizations, and any other person who, annually and in writing, requests inclusion on the list. The board shall maintain this comprehensive mailing list and shall make revisions to update it annually; and

(b) Disseminate to all health care facilities, health maintenance organizations, and other persons included on its comprehensive mailing list, and shall publish in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for development and review of standards and the review of applications responding to requests for proposals (RFP's) including the activities covered in RSA 151-C:5, II and 151-C:13. Whenever the scope of such coverage is revised, the board shall disseminate and publish a revised description thereof, as provided in this subparagraph.

II. The board shall develop standards for new institutional health services. These include, but are not limited to, the following:

(a) The construction, development, expansion, or alteration of any health care facility increasing bed capacity by more than 10 beds or 10 percent, whichever is less, or adding major new facilities or categories of service;

(b) The transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of its assets or stock, except where the transfer of ownership would be subject to the provisions of reevaluation of assets as outlined in the Federal Deficit Reduction Act of 1984;

(c) The development and offering of special inpatient services to include, but not be limited to, alcohol and drug dependency, psychiatric services, and physical rehabilitation;

(d) The purchase, lease, donation, transfer, or other comparable arrangement by or on behalf of a health care provider of diagnostic or therapeutic equipment for which the cost or, in the case of donation, the value is in excess of \$400,000. This shall include one or more articles of diagnostic or therapeutic

equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board;

(e) The increase of inpatient beds resulting in an increase of more than 10 beds or 10 percent of the total bed complement, whichever is less;

(f) The development of new services with an annual operating budget of greater than \$75,000 or the relocation of existing services to a new location with greater than \$250,000 annual operating cost and shall include, but not be limited to, home health services, ambulatory surgery centers, outpatient drug and alcohol programs.

III. The board shall develop, pursuant to rules adopted under RSA 541-A, standards of need on health care services listed in paragraph II of this section. All persons enumerated in paragraph I of this section shall receive notice of the standards and public hearings relative to the standards. The board shall publish notice of proposed standards in a state-wide newspaper and at least one newspaper in each county of the state. Each notice shall include dates and locations of public hearings.

151-C:6 Procedures for Existing Standards; No Standards.

I. If a standard of need, which precludes additional services, has existed for longer than 24 months, any person may request that the standard be reviewed to determine whether the standard should be continued. Notwithstanding RSA 541-A:6, the procedure shall be as follows:

(a) A request for a standard review shall be submitted in writing to the chairman of the board.

(b) Within 30 days of the receipt of the request, the board must notify, in writing, the person making the request of the commencement of the 120 day standard review process or that the proposed project is not in accordance with 151-C:5, II and no standard review shall take place.

(c) The review of an existing standard shall take no longer than 120 days and the final standard adopted shall be in accordance with RSA 541-A. The decision of the board shall be considered a final decision.

(d) The board shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard review period and the schedule for the review.

II. In the case of a service for which there is no standard, any person may request, in writing, that the board develop a standard. Notwithstanding RSA 541-A:6, the procedure shall be as follows:

(a) A request for a standard development shall be submitted in writing to the chairman of the board.

(b) Within 30 days of the receipt of the request, the board shall notify, in writing, the person making the request of the commencement of the 120 day standard development process or that the service is not in accordance with 151-C:5, II and no standard development shall take place.

(c) The development of a new standard shall take no longer than 120 days and shall be in accordance with RSA 541-A.

(d) The board shall notify persons, pursuant to RSA 151-C:5, I, of the beginning of the standard development period and the schedule for the review.

(e) The standard shall be either a standard allocating the new service by number, type, and location or a statement that the proposed new service is in the best competitive interest of health care in the state and shall not be subject to the provisions of RSA 151-C:8. The decision of the board shall be considered a final decision.

151-C:7 Criteria. Every standard developed by the board shall stipulate the criteria which must be met by any successful applicant applying to fill a need identified in the standard. At a minimum these shall include:

I. The immediate and long range financial feasibility of the proposed project, including the probable impact of costs and charges of the facility on health insurance premiums and personal health expenditures in the state or the region of the state.

II. The availability of resources for the proposed project including health and management personnel and funds, capital, and operating needs.

III. The degree to which the proposed project will be accessible to persons who are medically underserved, including, but not limited to, handicapped persons and indigent persons.

IV. In the case of existing facilities or entities with other facilities, records of the quality of care which may include records from state, federal, and private licensing and accreditation facilities. In the case of new entities, assurance of the quality of care stated in measurable terms.

151-C:8 Procedures for Certificate of Need.

I. If a standard developed through RSA 151-C:5 or 151-C:6, indicates a need for additional health services, the board shall issue a request for applications. The board shall publish, in other than the legal notices section, in a newspaper of statewide distribution and in at least one newspaper in every county, as well as notify all affected persons as defined in paragraph VI(b) of this section, a notice that the board is accepting applications for certificates of need for the specified service. At a minimum the notice shall include:

(a) A brief description of the service to be provided, including the amount, type, and location as established by the standard.

(b) The final date that applications are to be submitted which shall be no sooner than 60 days from the date of publication. An application in response to a request for application may be submitted prior to the deadline, but no review shall commence prior to the deadline.

(c) An address at which applicants may obtain copies of the

application format as well as the minimum criteria and specifications which shall be the basis for judging the merits of each application.

II. The staff of the board shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

III. All applications received in response to a single request for applications shall be reviewed simultaneously and shall be considered in relationship to each other.

IV. Every application shall be in such form and contain such information as the board adopts by rule. The board shall not require any information which it has not adopted by rule. The information requirements established by the board may vary according to the purpose of the review or the type or health service being reviewed. In addition to the information required for submission to the board, any applicant may submit, and the board shall duly consider, any other information.

V.(a) The board shall examine every application for form and completeness, and the information required by RSA 151-C:7 as well as the specifications and standards outlined in the request for application. If an application is determined incomplete by the board, it shall notify the applicant by certified mail within 15 business days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the board within the 15 business days, the application shall be considered complete.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days, from the date of receipt of notification of incompleteness, to provide the required additional information. The applicant shall not provide more than the required additional information. The board shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the board shall mail the applicant a notification within 5 business days of receipt of the additional information. If no such notification is mailed to the applicant by the board within the 5 business days period, the application shall be considered complete.

(c) Any applicant whose application is incomplete following the second completeness review under subparagraph (b) may, by certified mail, within 5 business days of receipt of the second notice of incompleteness:

(1) Provide the additional required information; or

(2) Stipulate that it wishes to have its application reviewed by the board notwithstanding its incompleteness. Any applicant whose application is incomplete and who fails to either provide the additional required

information or stipulate that it wishes to have its application reviewed notwithstanding its incompleteness shall waive any right to have its application reviewed.

(d) The state agency shall review any application for which a stipulation has been filed pursuant to subparagraph (c).

(e) An applicant may withdraw an application at any time thereby terminating the review process.

VI.(a) Within 10 business days of completion of the completeness review under paragraph V of this section, the board shall mail, to any qualified applicant, a notice that formal review of the application has begun and shall publish the notice in other than the legal notice section of one or more newspapers of general circulation in the state and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The board shall provide all affected persons, as defined in subparagraph (b), with written notification of the beginning of a review. The notice shall include a statement that review has begun, the proposed schedule for review by the board, and the date the public hearing notice shall be posted, which may not be more than 45 days from the notification of the beginning of review.

(b) For purposes of this paragraph, "affected persons" include health systems agencies for contiguous health service areas, all health care facilities and health maintenance organizations included on the comprehensive mailing list developed and maintained pursuant to RSA 151-C:5, I(a), the New Hampshire Hospital Association, the New Hampshire Medical Society, the New Hampshire Health Care Association, the Community Health Care Association, the New Hampshire Association of Counties, third-party payors licensed and doing business in this state, and members of the public who are to be served by the proposed new institutional health service. For purposes of this paragraph, notification of all qualified applicants in which the proposed new institutional health service is to be offered or developed shall be by certified mail. Notification to all affected persons, except members of the public, shall be by mail. Notification to members of the public shall be by the publication required in this paragraph. Notification to third-party payors licensed and doing business in the state shall be to those third-party payors who have complied with an annual notification as of the effective date of this provision informing them that if they wish to be included on a certificate of need mailing list, they shall submit a written request to the board within 30 days.

VII. The date on which notification is sent to qualified applicants or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be the date of notification and shall be the beginning date of the review cycle of the board.

VIII. The board shall establish review schedules which provide that no

review by the board shall, to the extent possible, take longer than 90 calendar days from the beginning of the review cycle to the date of a final decision of the board. In accordance with the requirements of RSA 151-C:11, the board shall adopt exception criteria for determining when it would not be practicable to complete a review within 90 calendar days. If an application clearly meets such exception criteria, the agency may provide for a single extension of the review period for a total of 30 calendar days beyond the initial 90 day period. The total review period for certificate of need shall not extend beyond 120 days from the beginning of review.

IX. Upon request, the board shall provide for access by the general public to all applications reviewed by the board and to all other written materials pertinent to board review.

X. The board shall provide in its review procedures for a public hearing. The board shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in paragraph VI of this section. The procedures for a public hearing shall include an opportunity for any person to present testimony regarding the proposed new institutional health service, the right of any persons testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The board shall not impose any fee for such a public hearing.

XI. During the course of review of any application for a certificate of need, the board shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII.(a) After an application has been filed with the board, the applicant may amend the application only during the 45 days after the date of notification of the beginning of review. Upon written request to the board by the applicant, this period may be extended by the board, in accordance with the provisions of paragraph VIII.

(b) When an application is filed with the board, an applicant shall be required by the board to file an amendment of the application when any supporting documentation or other material submitted to the board by the applicant indicates that:

(1) The nature, scope, or location of the project will differ substantially from those described in the application;

(2) The method of financing will differ substantially from that described in the application in that the estimated capital expenditure will exceed that proposed in the application by 15 percent plus the inflation factor, as specified in RSA 151-C:12, IV.

(3) The identity of the applicant has changed.

(4) The board may waive the requirements of subparagraph (b)(1), (2) or (3) if it is determined that the proposed amendment of the application is technical or otherwise insignificant.

(c) If an amendment is filed in accordance with (a) or (b), the application shall return to the point in the review process defined in paragraph VI relative to the notification to the applicant that review of the application has begun.

XIII. Any action by the board or by an applicant pursuant to this section which results in a delay of the review process shall affect all applicants which filed under the same request for application and are considered by the board to be competing.

151-C:9 Decision Regarding Certificate of Need; Issuance of Certificate of Need; Reconsideration.

I. Upon completion of the review, the board, by majority vote, shall render a decision on the applicant or applicants which filed in response to a request for application. The decision shall be in the form of an approval, denial, or an approval with conditions. An approval of a certificate of need shall be in conformance with the standard used as the basis for the request for application.

II. The board shall consider competing applicants in relationship to each other. The decision shall be based on the applicant who demonstrates superiority in cost effectiveness, quality, and affordability and who will best meet the specifications and criteria outlined in the standard.

III. Once a final decision is rendered, a copy of the decision shall be given to all third party payors who are in compliance with the provisions of this chapter. If the board fails to issue a final decision within the time period specified for the review, a certificate of need shall be denied. The applicant may either request a reconsideration hearing under paragraph IV, or, within a reasonable time following the expiration of that period, petition the supreme court to require the board to render a final decision on the application.

IV.(a) Any person, for good cause shown, may request in writing a public hearing for purposes of reconsideration of a final decision of the board. The board shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing, other than by an applicant denied a certificate of need, shall be good cause if it:

(1) Presents significant, relevant information not previously considered by the board;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the board in reaching its decision;

(3) Demonstrates that the board has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the board determines constitutes good cause.

(b) To be effective, a request for a reconsideration hearing shall be received by the board within 20 business

days following the date of the board's decision. If granted, the hearing shall commence within 30 calendar days of receipt of the request. The applicant may waive the 30 day requirement. At least 14 calendar days prior to the reconsideration hearing, notification of the hearing shall be sent to the person requesting the hearing and to the persons proposing the new institutional health service and to others upon request. Within 25 business days after the conclusion of the hearing, the board shall make written findings which state the basis for its decision. The decision shall be considered the final decision of the board.

151-C:10 Appeals to the Supreme Court.

I. Any person submitting an application for a certificate of need, if aggrieved or dissatisfied with the decision of the board, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the board is claimed to be erroneous and contrary to the facts and the law, to appeal from the decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

III. The court shall affirm the decision of the board unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

151-C:11 Additional Rules.

I. The board shall adopt rules governing review of certificate of need applications consistent with and necessary to the proper administration of this chapter. All rules shall be adopted pursuant to RSA 541-A and as described in this section; except that, in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control. In addition, before adopting proposed rules:

(a) The board shall distribute copies of its proposed rules to:

- (1) Statewide health agencies and organizations;

- (2) All health care facilities, health maintenance organizations, and other persons on the board's comprehensive mailing list; and

- (b) At least 45 days prior to adopting any rule, the board shall send by mail to all persons included on the comprehensive mailing list and shall publish, in at least one newspaper of statewide circulation, a notice stating that rules for the review of certificate of need applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notices section of such newspapers; in addition, notice may be given through other public information channels.

II. The board shall distribute copies of its adopted rules to the persons required to be given notice in subparagraph I(b) and to the Secretary of Health and Human Services and shall provide such copies to other persons upon request.

151-C:12 Validity of Certificates of Need; Compliance; Sanctions.

I. A certificate of need issued pursuant to this chapter shall expire upon failure to commence or complete the project authorized thereby within the time period specified in this section. The board's approval shall be terminated upon the expiration of such period, and the person proposing to offer or develop the new institutional health service shall be required to resubmit an application for certificate of need under RSA 151-C:8. In the event that only part of a project to offer or develop the new institutional health service has been commenced or completed within such period, the board's approval shall be terminated upon the expiration of such period solely with respect to the parts of the project which have not been commenced or completed. Project completion date requirements are as follows:

(a) Projects which solely involve the acquisition and installation of equipment must be completed within 2 years from the date of issuance of a certificate of need or certificate of exemption.

(b) In the case of construction projects, the following time periods apply:

(1) If the total estimated cost of the project is less than \$1,000,000, the project must be commenced within one year of, and completed within 3 years of, the date of issuance of a certificate of need.

(2) If the total estimated cost of the project is greater than \$1,000,000, then the project must be commenced within 18 months of, and completed within 5 years of, the date of issuance of a certificate of need.

(c) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility, health maintenance organization, or health care provider under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the board may allow up to 3 years following the date of approval for incurring such capital expenditures.

II. Pursuant to a showing of good cause by the person proposing the new institutional health service, the board shall extend by 6 months the period for commencement. A maximum of 2 such extensions shall be allowed. Upon a showing of substantial, diligent progress and good cause by the person proposing the new institutional health service, the board shall grant up to a maximum of 2 extensions of 6 months each for completion of the project. For purposes of this paragraph, "good cause" includes delay resulting from unpreventable or unexpected occurrences, such as emergency, strike, disaster, unforeseen shortage of materials or other reasonably unforeseeable event.

III. For the purposes of this chapter, a project shall be commenced if:

(a) The proponent of the new institutional health service has submitted to the board a certified copy of a written agreement executed between the proponent and a registered general contractor to construct

and complete the project within a designated time schedule in accordance with final architectural plans and specifications; and

(b) There has been construction work on the project to justify and require a progress payment by the proponent to the general contractor under the terms of the construction agreement, or, if the construction agreement does not require progress payments, then construction has progressed to the state at which an initial progress payment would otherwise be required in accordance with the usual and customary practices of the building industry.

IV. For purposes of this chapter, completion shall mean when the approved new institutional health service is sufficiently complete so that it becomes operational for the purpose for which the certificate of need was issued. A certificate of need shall be valid only for the designated scope of the project and for the premises and geographical area named in the application. A certificate of need granted for a project shall not be considered as an approval of that portion of the total actual cost of such a project which is in excess of the sum of: (a) the anticipated cost designated in the application; (b) an additional 15 percent of the total cost; and (c) cost increases clearly attributable to inflation.

V. All applicants receiving a certificate of need or a certificate of need with conditions shall file, at least semi-annually during the development stage and annually once the project is commenced, a report indicating that the project is in compliance with information provided in the application, and with the conditions outlined in the certificate of need. A report shall only be necessary for the first 5 years after completion of the project.

VI. Any applicant found not to be in reasonable compliance with any statement in their certificate of need application or with the conditions of the certificate of need shall be fined not more than 1/2 of one percent of the previous year's revenue minus contractual allowances or, in the case of a new facility, not more than 1/2 of one percent of the projected first year revenue minus contractual allowances.

VII. Funds collected under the provisions of this chapter shall be deposited in the general fund.

151-C:13 Exemptions.

I. The following are excluded from this chapter:

(a) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis;

(b) Dispensaries and first-aid stations, located within business or industrial establishments, maintained solely for the use of employees, provided that such a facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than 24 hours;

(c) Infirmarys owned or operated by education institutions;

(d) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination;

(e) The increase or conversion of 9 beds or fewer or less than 10 percent of the bed complement, whichever is less.

II. The above exclusions shall not include any diagnostic or therapeutic equipment located or used therein, or by any other facility covered by this chapter.

III. The board shall adopt rules under RSA 541-A governing procedures for the expeditious processing of emergency applications and of applications for projects which are solely for the purpose of complying with the requirements of law or rules, including projects necessary for compliance with life and health safety code standards. Emergency applications include applications regarding expenditures for replacement, repair, rebuilding, or re-equipping of any part of a health care facility or health maintenance organization destroyed or damaged as the result of fire, storm, flood, act of God, or civil disturbance, or any other circumstances in which the board finds that the circumstances require action by the board in less time than normally required for review.

151-C:14 Enforcement.

I. Any person who offers or develops any new institutional health service within the meaning of this chapter without first obtaining a certificate of need as required in this chapter, or who otherwise violates any of the provisions of this chapter, shall be subject to the following sanctions:

(a) The state shall not issue a license to any health care facility or health maintenance organization to operate, offer, or develop any new institutional health service in violation of this chapter and without a certificate of need issued pursuant to this chapter. The provisions of RSA 151 notwithstanding, in the case of an increase in actual bed capacity in contravention of the requirements of this chapter, any license for such beds shall be deemed to be revoked.

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

(c) Any person who violates this chapter shall be fined not more than 1/2 of one percent of the total operating budget of the previous year, or, in the case of a new facility, not more than 1/2 of one percent of the projected annual operating budget for the first year of operation.

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without

first having been issued a certificate of need, or violates any other provision of this chapter or any lawful rule adopted under this chapter, upon the posting of a bond or security, the board or health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county in which such alleged violation has occurred, or in which such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the board, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

151-C:15 Fees.

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee of up to 1/10 of one percent of their previous year's revenue minus contractual allowances or, if a new facility, up to 1/10 of one percent of their projected first year revenue minus contractual allowances. The total amount collected shall not exceed \$500,000 per year, to be prorated at the end of each fiscal year among all acute care hospitals, specialty hospitals, and nursing homes licensed under RSA 151.

II. All persons filing an application in response to a request for applications shall pay a fee of 1/4 of one percent of the total capital cost of the project with a minimum fee of \$500, and a maximum of \$12,000. This paragraph shall not apply to any facility which is included under RSA 151-C:15, I.

III. Persons requesting a standard development or standard review as outlined in RSA 151-C:6 shall pay a fee of \$1,000 if the health services planning and review board determines that a standard review or a standard development process shall occur.

IV. Funds collected under this section shall be deposited in the general fund.

7 Health Services Planning and Review Board. The 7 members of the existing certificate of need review board shall be transferred to serve on the health services planning and review board established by RSA 151-C:3. The other 2 members of the health services planning and review board shall consist of the commissioner of health and human services or his designee and the commissioner of administrative services or his designee. The first vacancy on the board shall then be filled by the commissioner of insurance or his designee.

8 Transfers to Health Services Planning and Review Board. All functions, powers, duties, records, property, and funds of the division of public health services, department of health and human services, relative to the certificate of need program established by RSA 151-C are hereby transferred to the health services planning and review board established by RSA 151-C:3.

9 Federal Statutes and Regulations. Any federal statute or regulation taking

effect subsequent to the effective date of this act which is more restrictive or inclusive than this act shall supersede this act. All applicants under RSA 151-C shall refer to the provisions contained in this act and the certificate of need rules as adopted by the health services planning and review board.

10 Exemption. All state facilities covered by this act are exempt from the fees stipulated in RSA 151-C:15.

11 Date for Standard of Need. Within 180 days of the passage of this act, the health services planning and review board shall review all standards currently in existence in the state health plan (department consolidated plan) and make a determination on which of the existing standards shall be carried forward under RSA 151-C and which shall undergo a standard development process pursuant to RSA 151-C:5.

12 Appropriation. There is hereby appropriated to the division of public health services the sum of \$500,000 for the fiscal year ending June 30, 1986, and the sum of \$500,000 for the fiscal year ending June 30, 1987, for the purpose of carrying out this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Reps. Sochalski, Chambers and Rounds spoke in favor of the Committee report.

Referred to Appropriations.

HB 533, prohibiting censorship of printed material. Inexpedient to Legislate. This bill states "no person shall ban or censor printed material normally available to the public." The Committee believes that to tell a publisher or any other person not to publish anything he or she wants to constitutes a blatant violation of the constitutional right of a free press. Vote 11-1. Rep. Marc Chretien for Judiciary.

Rep. Alf Jacobson spoke against the Committee report.

Rep. Chretien spoke in favor of the Committee report.

Resolution adopted.

HB 604, relative to the return of rental vehicles. Ought to Pass with Amendment.

The bill declares that it is a misdemeanor to abandon a rented vehicle or to refuse wilfully to re-deliver it to its proper owner in accordance with the provisions of a rental agreement. Vote 8-6. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend section one of the bill by striking out same and inserting in place thereof the following:

1 Theft of Rental Vehicles. Amend RSA 637:9, I as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

I. A person is guilty of theft if:

(a) having custody of a propelled vehicle pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or

(b) having custody of a propelled vehicle pursuant to a rental or lease agreement with the owner thereof whereby such vehicle is to be returned to the owner at a specified time and place, he abandons the vehicle or willfully refuses or neglects to redeliver it to the owner in such manner as he may have agreed; or

(c) having custody of any property pursuant to a rental or lease agreement whereby such property is to be returned in a specified manner, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

Amendment adopted.

Ordered to third reading.

HB 323, relative to the continuance of health care benefits for injured employees. Refer for Interim Study.

The Committee felt the bill has merit, but as written, could lead to misinterpretation of work and non-work related injuries. Also, further study is needed on the effect this measure would have on small employees of the state. Vote 11-2. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Referred for Interim Study.

HB 339, relative to state employee bargaining rights. Ought to Pass. The Committee felt that this measure providing state employee bargaining rights ought to pass. This legislation will provide equal opportunity to the State employee to negotiate his/her terms and conditions of employment as is accorded to every town, city and school district and county employee in this state. Vote 7-6. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Ordered to third reading.

HB 344, repealing the mini Davis-Bacon act. Refer for Interim Study.

The Committee wishes to look at other alternatives rather than completely abolishing RSA 280 at this time. Another bill, SB 71, with the same sponsors, is in the Senate Committee at this time. Thus, HB 344 is recommended for interim study. Vote 10-3. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Referred for Interim Study.

HB 501, relative to mediators, factfinders and arbitrators of disputes between public employers and public employees. Inexpedient to Legislate.

House Bill 501 was felt by the majority of the Committee to be Inexpedient to Legislate as it would set up a new procedure in the collective bargaining process to solve unending negotiations which would put into place an additional step of having the state pay the actual expenses of mediators, factfinders and arbitrators for up to 4 days. With an estimated cost factor of \$250,000 for the biennium. Vote 8-4. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 620, creating a presumption that cardiovascular disease in police officers is occupationally related. Inexpedient to Legislate.

The majority of the Committee felt that HB 620 be Inexpedient to Legislate, that creating a presumption that cardiovascular disease in police officers is occupationally related, regardless of lifestyle, medical heredity, environmental exposure or work assignment would create a prima facie presumption. Under current law (Workers' Compensation RSA 281), an injury or illness that is work related and the Department of Labor application of them more than protects the worker. Vote 8-5. Rep. Irene J. Shepard for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 773, relative to financial disclosure by public officials. Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: Though the Legislature has wrestled with ethics and/or disclosure proposals for five sessions and considerable support has been demonstrated for enactment in this session, the Committee was not prepared to recommend to the House neither the original bill nor the amendment under the time constraints imposed by the deadline filing. There is a commitment supported by the Majority Leader, to complete the study and report prior to the deadline for the filing of bills for the 1986 session. Vote 9-5. Rep. James A. Chandler for the Majority of Legislative Administration.

MINORITY: The Attorney General is in full support of this bill as a reasonable and balanced approach. It does not require disclosure beyond sources of income. It, therefore, provides sufficient protection to office holders, and at the same time insures accountability and the public's right-to-know. (Reps. Elaine S. Krasker, William R. Matson for the Minority of Legislative Administration.

Rep. Krasker moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Refer for Interim Study, spoke to her motion and yielded to questions.

Reps. James Chandler and Russell Chase spoke against the motion.

Reps. Marian Harrington, Raiche and Dexter spoke in favor of the motion and yielded to questions.

Reps. Sylvia, Harold Watson, Bass and Rounds spoke against the motion and yielded to questions.

Reps. Chambers and Hollingworth spoke in favor of the motion.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)
YEAS 123 NAYS 226
YEAS 123

BELKNAP: Bolduc, Bowler, Dexter, Hardy and Zeckhausen.

CARROLL: Schofield.

CHESHIRE: Blacketer, Crane, Daniel Eaton, Frink, Matson, Miller, Ramsay, Russell, Schwartz, Secord, William Sullivan and Young.

COOS: Brideau, Coulombe, Frederic Foss, Guay, Lamontagne, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Bennett, Chambers, Copenhaver, Crory, Densmore, Michael King, Wayne King and Ward.

HILLSBOROUGH: August, Beaupre, Bernier, Blais, Bourque, Boutwell, Burkush, Champagne, Charron, Chretien, Clancy, Cote, William Dion, Dupont, Durant, Dwyer, Dykstra, Marian Harrington, Hendrick, Herod, Holden, Chris Jacobson, Lown, Lozeau, McGlynn, Morrisette, Nelson, Newcombe, Nute, O'Rourke, Parmenter, Pellow, Raiche, Reardon, Mary Sullivan, Tamposi, Turgeon, Wagner, Winn and Zis.

MERRIMACK: Connolly, Daniell, Gilbreth, Jelley and Wallner.

ROCKINGHAM: Bangs, Blanchard, Patti Blanchette, Case, Connors, Conroy, Thomas Gage, Elizabeth Greene, Hollingworth, Phyllis Katsakiores, Krasker, Longworth, Pantelakos, Pevear, Popov, Rosencrantz, Sanderson, Scamman, Simon, Splaine, Stachowske and Vaughn.

STRAFFORD: Bernard, Burton, Callahan, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frew, Keans, Laurion, Lussier, O'Brien, Bruce Packard, Pelley, Henry Sullivan and Ralph Torr.

SULLIVAN: Disnard, Ingram, Normandin and Spaulding.

NAYS 226

BELKNAP: Birch, Brough, Brown, Richard Campbell, Malcolm Harrington, Hawkins,

Jensen, Matthew Locke, Pearson, Randall and James J. White.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Burley, Davis, Delano, Irvin Gordon, Grodin, Morse, Parker, Perry, Ridge, Scranton and Thompson.

COOS: Brungot, Harold Burns, Chappell, Chardon, Horton, Marsh and York.

GRAFTON: Bean, Blair, Christy, Driscoll, Duggan, Easton, Mann, McAvoy, Rounds, Scanlan, Stewart, Taiffe, Howard Townsend, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Bass, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bridgewater, John Burns, Leslie Burns, Carragher, Chagnon, Cox, Cronin, Donovan, Ducharme, Duperron, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Healy, Hogan, Humphrey, Jasper, George Jones, Michael Jones, Kelley, Knight, Labombarde, Levesque, Martin, Howard Mason, McCue, Messier, Murphy, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Perham, Prestipino, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Sylvia, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Arnold Wight and Worthen.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, James Chandler, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, West and James Whittemore.

ROCKINGHAM: Benton, William Boucher, Butler, Marilyn Campbell, Lawrence Chase, Clay, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, Roger King, Lovejoy, Mace, Malcolm, McKinney, Benjamin Moore, Palumbo, Parr, Quimby, Raynowska, Norman Rogers, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Chamberlin, Dingle, Patricia Foss, Hussey, Robert Jones, Meader, Musler, Francis Robinson, Spear, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Referred for Interim Study.

The Committee on Elections presented the following report:

Cressy Election Petition and Cushing Election Petition.

The Elections Subcommittee has held public hearings on both of the above named election petitions and subsequently, has held an executive session on each of these petitions. The Elections Subcommittee voted unanimously to deny the aforementioned petitions which called for new elections in their respective districts. Attached are two motions that the subcommittee supports. We respectfully submit to the Legislative Administration Committee these two motions, which will basically find these petitions inexpedient to legislate. We urge you to support these motions. Reps. Bruce C. Rounds, Daniel J. Healy and Betty Jo Taffe for Legislative Administration Elections Subcommittee. The full Committee unanimously ratified the Elections Subcommittee's recommendations to deny both the Cressy and Cushing petitions concerning the election of two members in Rockingham County. Rep. James A. Chandler for Legislative Administration.

Reps. Benjamin Moore and Rosencrantz spoke to the Committee report.
Report adopted.

HB 616, relative to funding of the fire standards and training commission. Ought to Pass with Amendment.

House Bill 616, as amended, provides additional funding for the Fire Standards and Training Commission, from an annual service fee on the premiums collected by insurance companies on certain fire insurance policies. The increased funding will enable the Fire Standards and Training Commission to greatly expand its training programs for New Hampshire fire service personnel, by bringing expertise and specialized equipment to statewide training locations. The expanded training will result in a higher degree of proficiency by municipal firepersons, which will help to reduce loss of life and minimize property damage. Vote 11-6. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend RSA 400-A:29-a, I and II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Every insurance company licensed by and doing business in this state shall pay to the insurance department an annual fire training service fee. The fee shall be in an amount equal to \$.50 for each \$2,500 of premium or part thereof charged for the fire portion of homeowner policies, fire policies, and the fire portions of commercial multi-peril insurance policies, except vehicle policies, issued or renewed

by the company during the previous year, but in no event shall be less than \$1 for each such policy issued or renewed during the previous year. The computation of the service fee shall be reviewed biennially by the appropriate legislative committees to assure its adequacy. The annual fee shall be due on January 15. The first fee payment required by this paragraph shall be due on January 15, 1986.

II. Upon collection of the fees required under paragraph I, the insurance commissioner shall pay the amounts collected to the state treasurer. The state treasurer shall establish a separate nonlapsing account to be known as the fire standards training fund account and shall deposit the sums received from the insurance commissioner in the account. The fire standards and training commission shall be authorized to make expenditures from the account for the purposes of RSA 154-C.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Expenditures Limited in First Year. Notwithstanding RSA 400-A:29-a, II, the expenditures by the fire standards and training commission from the fire standards training fund account for the first year following the effective date of this act shall not exceed \$250,000.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

INTRODUCTION OF GUESTS

Former Speaker Pro Tem, Marshall French and his wife Sue, guests of the House.

COMMITTEE REPORT (cont.)

HB 613-FN, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. Ought to Pass with Amendment.

The provision for a general reserve fund was passed by the House and Senate during the last session, but was vetoed by the Governor. This bill presents the general reserve fund, but has been revised to address the points in the 1983 message. Vote 19-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend RSA 31:128, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Passage of an article establishing such a fund shall not require a subsequent town meeting to appropriate funds.

Amendment adopted.

Ordered to third reading.

HB 658, relative to private security agencies. Ought to Pass with Amendment.

The bill, with amendment, requires that the background of private detectives and security guards be carefully scrutinized, prior to their being hired. Additionally, those detectives and guards who are armed are required to achieve firearms proficiency on an annual basis, in a manner quite similar to the requirements for municipal police officers. Vote 11-6. Rep. Richard A. Barberia for Public Protection and Veterans Affairs.

Amendment

Amend RSA 106-F:8-a as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

106-F:8-a Firearm Proficiency.

I. All armed security guards and armed private detectives shall meet minimum requirements in the proficiency in the use of firearms at least once per year. The requirements shall be as follows:

(a) The practical police course or the tactical revolver course, with a minimum qualification score of 75 percent.

(b) Shotgun familiarization course required for all security officers whose employers issue, or have as part of their equipment, shotguns.

(c) 4 hours of instruction, to include firearms techniques and safety, laws on the use of deadly force, and the moral and ethical use of force. Only qualified firearms instructors shall be used to certify the successful completion of the requirements.

II. Individuals shall be considered for qualification if they successfully complete one of the following courses:

(a) Council Firearms Instructor School;

(b) F.B.I. Firearms Instructor School;

(c) Smith & Wesson Firearms Instructor School;

(d) National Rifle Association Police Firearms Instructor Course;

(e) Equivalent courses as determined by the director of the state police on an individual basis.

Amendment adopted.

Ordered to third reading.

HB 538-FN, permitting alpine slide facilities to sell liquor. Ought to Pass with Amendment.

Alpine slide has had good record as a ski area with a license and due to change in operation it needs a new type of license. Amendment deals with a current RSA which expires June 1 and other parts of the amendment deal with gambling devices on licensee's premises. Vote 10-6. Rep. Lynn C. Horton for Regulated Revenues.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

permitting alpine slide facilities to sell liquor; relative to club licenses; and prohibiting gambling machines on licensed premises.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Clubs. Amend RSA 178:7, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. For an additional fee of \$300.00 per annum, the commission may issue to a club licensed under paragraph I an additional license to set up a separate bar facility to serve alcoholic beverages to private groups in a rental hall approved by the commission. This additional license shall allow the club to hold up to 12 events per year. The club shall be responsible for compliance with the provisions of this title and any rules adopted hereunder during such events. The club shall notify the commission at least 7 days prior to the date of any scheduled private affair which will be serviced by such bar facility. The commission may suspend the use of such bar facility without affecting the status of any other license in effect on the club premises, or may suspend the use of such bar facility and other licenses in effect on the club premises.

3 Gambling Prohibited. Amend RSA 175 by inserting after section 17 the following new section:

175:18 Gambling Prohibited.

I. No licensee shall engage in or allow in or upon the licensed premises:

(a) The conduct of any lottery;

(b) Any ticket or participation right in any lottery to be sold or offered for sale;

(c) Any pool-selling, bookmaking or any unlawful game or gambling of any kind;

(d) Any slot machine or device in the nature of a slot machine which may be used for the purpose of playing for money or other valuable thing;

(e) Nor shall any licensee possess or allow in or upon the licensed premises any slip, ticket, book, record, document, memorandum or other writing pertaining in any way to any lottery, pool-selling, bookmaking or unlawful game or gambling of any kind.

II. This rule shall not apply to bingo, lottery, lucky 7 tickets or participation rights therein, being conducted pursuant to appropriate license under the RSA 284 or RSA 287-E or other activity authorized by state law. However, in any instance of bingo at licensed premises, no licensee, during the period between the commencement of the first and the conclusion of the last game, shall sell, serve, or allow the sale, service or consumption of any alcoholic beverage in or upon any part of the licensed premises where the bingo is being conducted.

III. The commission may order the removal of any machine that has marginal amusement value, encourages gambling between

the player and observers, and is susceptible to serving as the basis for an award of money or other valuable things by the licensee to a player on the basis of the player's score or points won.

IV. Any owner of machines prohibited by this section which are placed in or upon a licensed premises may apply to the commission and present proof that a particular machine is not susceptible to use as a gambling device but can only be used as an amusement device. Upon proof satisfactory to the commission, the commission shall except the machine from the provisions of this section.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect June 1, 1985.

Rep. Kenneth MacDonald spoke against the amendment.

Amendment lost.

Ordered to third reading.

HB 635-FN, requiring that pictorial warning labels be placed on liquor and alcoholic beverage containers. Inexpedient to Legislate.

The testimony heard indicated it would be very difficult to enact this legislation. Brewers would be required to provide individual containers for New Hampshire only, and it might require federal approval. There is little convincing evidence that placing these warnings on containers would reduce the consumption of alcohol. Vote 17-0. Rep. James D. Phelps for Regulated Revenues.

Resolution adopted.

HB 433-FN, establishing an academy of science, arts, and technological innovation. Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee determined that the bill needed more study. Vote 6-4. Rep. Roger L. Easton for the Majority of Science and Technology.

MINORITY: The minority believes the spirit and concept of this bill have been sufficiently studied and practiced. The proposed Academy evolves from the Legislative Academy of Science and Technology which served the legislative branch of government in a useful manner during its National Science Foundation funding period. Under this bill, the Academy's structure and role has been expanded to reflect the wholeness of the creative process as well as to meet the challenges which technological change demands of each branch of New Hampshire's state government. (Rep. Benjamin C. Newell for the Minority of Science and Technology.)

Rep. M. Arnold Wight moved that HB 433 be made a Special Order for Wednesday, April 3.

Adopted.

HB 664-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. Refer for Interim Study.

This bill deals with substance covered in another piece of proposed legislation. While the contents of the two are not exactly the same, the Committee feels the bill can be developed to combine the two into one bill covering all provisions of both. Vote 8-3. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

HB 558, requiring the state to buy American made products except in certain circumstances. Inexpedient to Legislate.

The Committee feels that while the intent of the bill is laudable, its implementation would present legal concerns and administrative complexities. Vote 16-2. Rep. Jack H. Schofield for Executive Departments and Administration.

Rep. Ward moved that HB 558 be made a Special Order for Wednesday, April 3. Adopted.

HB 672-FN, relative to special number plates for radio amateurs. Refer for Interim Study.

The bill deals with substance covered in another piece of proposed legislation. While the contents of the two are not exactly the same the Committee feels that a bill can be developed to combine the two into one bill covering all provisions of both. Vote 10-1. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

HB 564, relative to voluntary mediation in divorce proceedings. Inexpedient to Legislate.

Testimony indicates that mediation reduces court cases and is more effective in the restructuring of the family relationship than the adversarial process. However, the Committee is supporting the pilot program of mandatory mediation as spelled out in HB 398 and would prefer to wait to assess the results of this program. Vote 16-2. Rep. Elizabeth D. Lown for Judiciary.

Rep. Sytek moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to her motion.

Motion adopted.

HB 564 was referred for Interim Study.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be

the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 3 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 141-FN, relative to sunset review of the office of waste management.

HB 170-FN, appropriating the proceeds of the sale of certain state prison property.

HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers.

HB 577, repealing the interstate commerce exemption from the consumer protection act.

HB 578, relative to the regulation of campground membership programs.

HB 624, relative to notice of accidents to insurance companies; insurance company liens; and licensing insurance agents and brokers.

HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations.

HB 696, relative to captive insurance companies.

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants.

HB 723, relative to non-profit health service corporations.

HB 609, relative to comprehensive high schools.

HB 633, relative to school building authority.

HB 622-FN, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments.

HB 762, requiring hospitals to provide emergency medical services to all applicants.

HB 764, relative to the practice of optometry.

HB 404, deleting the requirement for district court sessions in Epping.

HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws.

HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of a dam or lowering water level of a pond or lake.

HB 649, relative to employees of the dog and horse racing industry.

HB 411, amending the corporate charter of the Laconia airport authority.

HB 527, increasing the maximum size of development districts.

HB 536, providing that the property tax exemption for the blind be computed without regard to whether property is assessed at its true and market value.

HB 543-FN, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed value.

HB 589, relative to agricultural activities and municipal planning and zoning powers.

HB 615-FN, relative to keeping county convention records.

HB 668-FN, relative to the establishment of capital reserve funds for the acquisition of land.

HB 728, relative to publication of city bylaws and ordinances.

HB 556-FN, relative to the classification of highways.

HB 547, extending the time within which pari-mutuel pools may be sold.

HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing.

HB 801, relative to three lighthouses on lake Sunapee.

HB 699, relative to storage costs for radioactive waste.

HB 499, relative to the disposal of state owned real property.

HB 579, relative to regulation of manufactured housing parks.

HB 581, relative to the regulation of rental referral agencies.

HB 232-FN, relative to adopting the federal boat numbering system.

HB 258, relative to the motor vehicle laws.

HB 359, relative to driver's license revocation appeals.

HB 617-FN, relative to the regional fuel tax agreement.

HB 604, relative to the return of rental vehicles.

HB 339, relative to state employee bargaining rights.

HB 613-FN, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.

HB 658, relative to private security agencies.

HB 538-FN, permitting alpine slide facilities to sell liquor.

HR 28, requesting an opinion of the justices relative to part 1, article 17 of the New Hampshire constitution.

HR 29, a resolution requesting an opinion of the justices concerning the constitutionality of HB 440.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 4:17 p.m.

RECESS

AFTER RECESS

(Speaker in the Chair)

Rep. Chardon offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 400 shall be by this resolution read a first and second time by the therein title, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987. (Kidder of Merrimack Dist. 2
- To Appropriations)

Rep. Chardon moved that the House adjourn.

Adopted.

HOUSE JOURNAL 16

Wednesday, 3 Apr 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, we respectfully imprint Your name upon our coins. We acknowledge Your rule in our pledge to our country's flag. Let our acts of devotion be followed this day with inner expressions of our love for You and Your will. In this Holy Week, fix our eyes upon the gifts You have given and let our acknowledgement of these blessings be our inspiration today. Amen.

Rep. Alf Jacobson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Arnesen, Pressly, Olimpio, Elizabeth Moore, Bryant, Secord, Anderson, Kohl, Tufts, Reidy, Golden, Nagel and Rounds, the day, illness.

Hogan, Cate, Fraser, Michael Jones, Keeffe, Stio, Joslyn, Crotty, Norman Packard, William Riley, George Gordon, B. P. Smith, Wells, Ralph Torr and James Whittemore, the day, important business.

Rep. Musler, the day, illness in the family.

INTRODUCTION OF GUESTS

Linda Maxson, guest of Rep. O'Brien; Frank Severance of Amherst and Jo Ann Stefanski, guests of Rep. John Burns; Donald Bald, guest of Rep. Lamontagne; Dallas Ridge, daughter of Rep. Ridge; Dr. and Mrs. Dennis Steen and Brett Bixby, family of Rep. Zeckhausen; and Roger Matteson, father-in-law of Rep. Schotanus.

SENATE MESSAGES CONCURRENCE

HB 85, relative to appeals process for special education.

HB 149-FN, relative to sunset review of the extension work in counties.

HB 81, relative to the age of a person who could withdraw from school with parental consent.

HB 279-FN, relative to a multi-state lotto compact and making an appropriation therefor.

HB 50, prohibiting advertisement of liquor and alcoholic beverage prices.

REQUESTS CONCURRENCE

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.

SB 135, extending the due process rights of certain teachers.

SB 125-FN, relative to compensation for members of the board of dental examiners.

SB 124, relative to the powers of the governor and council.

SB 100, reinstating the charter of the Golden Rule Farm Homes Association.

SB 97, relative to certain documents required to be kept in the state house visitors' center.

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system.

SB 132, authorizing the water supply and pollution control commission to purchase liability insurance.

SB 71-FN, repealing the mini Davis-Bacon act.

SB 3, relative to expenditures and reporting by political committees.

SCR 1, requesting the institution of a national lottery to reduce the national deficit.

Rep. Chardon offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate Bills numbered 64, 135, 125, 124, 100, 97, 93, 132, 71, 3, and SCR 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and Referral

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board. (Executive Departments and Administration)

SB 135, extending the due process rights of certain teachers. (Judiciary)

SB 125-FN, relative to compensation for members of the board of dental examiners. (Executive Departments and Administration)

SB 124, relative to the powers of the governor and council. (Executive Departments and Administration)

SB 100, reinstating the charter of the Golden Rule Farm Homes Association. (Constitutional and Statutory Revision)

SB 97, relative to certain documents required to be kept in the state house visitors' center. (Legislative Administration)

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system. (Executive Departments and Administration.)

SB 132, authorizing the water supply and pollution control commission to purchase liability insurance. (Resources, Recreation and Development)

SB 71-FN, repealing the mini Davis-Bacon act. (Labor, Industrial and Rehabilitative Services)

SB 3, relative to expenditures and reporting by political committees. (Constitutional and Statutory Revision)

SCR 1, requesting the institution of a national lottery to reduce the national deficit. (State-Federal Relations)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 47, relative to living wills. (Amendment printed SJ 4/2)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Francis Robinson, Paul Johnson, Hollingworth and Raiche.

HB 129-FN, relative to sunset review of division of public health services. (Amendment printed SJ 4/2)

Rep. Sochalski moved that the House concur.

Adopted.

ENROLLED BILLS REPORT

SB 6, making a supplemental appropriation to the real estate commission.

HB 41, relative to saltwater fishing and shellfish.

Rep. Chris Jacobson
For the Committee.

COMMITTEE OF CONFERENCE REPORT

HB 200, making an appropriation for capital improvements. (Report printed SJ 4/4)

Rep. Bibbo moved that the House adopt the report.

Adopted.

The Speaker called for the Special Orders.

HB 558, requiring the state to buy American made products except in certain circumstances. Inexpedient to Legislate.

The Committee feels that while the intent of the bill is laudable, its implementation would present legal concerns and administrative complexities. Vote 16-2. Rep. Jack H. Schofield for Executive Departments and Administration.

Rep. Chambers moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion, and yielded to questions.

Rep. Schofield spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

HB 433-FN, establishing an academy of science, arts, and technological innovation. Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee determined that the bill needed more study. Vote 6-4.

Rep. Roger L. Easton for the Majority of Science and Technology.

MINORITY: The minority believes the spirit and concept of this bill have been sufficiently studied and practiced. The proposed Academy evolves from the Legislative Academy of Science and Technology which served the legislative branch of government in a useful manner during its National Science Foundation funding period. Under this bill the Academy's structure and role has been expanded to reflect the wholeness of the creative process as well as to meet the challenges which technological change demands of each branch of New Hampshire's state government. (Rep. Benjamin C. Newell for the Minority of Science and Technology.)

Rep. M. Arnold Wight moved that the words, Ought to Pass, be substituted for the report of the Majority, Refer for Interim Study, spoke to his motion, and yielded to questions.

Motion adopted.

Referred to Appropriations.

Rep. Chardon moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 644 was removed at the request of Rep. Pantelakos.

HB 553 and HB 554 were removed at the request of Rep. Pevear.

HB 733 was removed at the request of Rep. Flanagan.

HB 625 was removed at the request of Rep. Kenneth MacDonald.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 505, relative to the office of the ombudsman within the state council on aging. Ought to Pass.

The Committee feels this bill is necessary to clarify the role of the ombudsman. The word, hospital, is added to the present facilities over which the ombudsman has control. Vote 18-0. Rep. Emma B. Wheeler for Children, Youth and Elderly Affairs.

HB 557, relative to the division for children and youth services and an adoption assistance compact. Ought to Pass.

This bill is basically a housekeeping bill for the Division of Children and Youth Services. The bill requires that the status of all children for whom care, custody, control of guardianship has been granted to the Division shall be reviewed annually. This bill also inserts a new chapter which gives the Commissioner of Health and Human Services the authority to enter into an interstate compact on adoption assistance, medical assistance and other related services for hard to place children. Vote 18-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 647, requiring that the sentence for repeat offenders of the aggravated felonious sexual assault of children law shall be life imprisonment without parole. Inexpedient to Legislate.

The Committee is sympathetic to the subject matter in this bill, but feels it can be dealt with more effectively with another bill before the Committee. Vote 18-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

HB 654, relative to simple assault of children under the age of 13. Ought to Pass with Amendment.

House Bill 654 will allow prosecution under a class B felony of a person who knowingly or purposely causes bodily injury to a child. The Committee believes this change is needed so a stronger penalty can be assessed against a person who abuses a child and who now could be charged with just a misdemeanor in some cases. Vote 11-0. Rep. Rick Newman for Children, Youth and Elderly Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to assault of children under 13 years of age.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Assault of Child as Felony. Amend RSA 631:2, III (supp) as inserted by 1971, 518:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. Recklessly causes bodily injury to another under circumstances manifesting extreme indifference to the value of human life; or

IV. Purposely or knowingly causes bodily injury to a child under 13 years of age.

2 Effective Date. This act shall take effect January 1, 1986.

HB 713, relative to standards for the awarding of legal and physical custody. Refer for Interim Study.

This is a very important subject matter relative to custody of children in a divorce. The other divorce bills were sent to the Judiciary Committee and it should look at this bill and bring it back to the 1986 session. Vote 18-0. Rep. Elizabeth Hager for Children, Youth and Elderly Affairs.

HB 735, relative to state initiatives for child support enforcement. Ought to Pass with Amendment.

This bill will strengthen child support enforcement. The amendment changes the effective date from January 1, 1986 to October 1, 1985. The amendment also provides that anyone obliged to pay child support shall be guilty of a misdemeanor if they fail to submit required or false information. Vote 18-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 161-B:6, IV as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV. Any obligor who does not comply with the requirements of this section due to failure to submit required information or by submitting false information shall be guilty of a misdemeanor.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date. This act shall take effect October 1, 1985.

HB 767, to establish a study committee to design a system of dispositional alternatives for the placement of children by the division of children and youth services. Inexpedient to Legislate.

A study committee is already formed and operating on a system of dispositional alternatives for the placement of children by the Division of Children and Youth Services. Vote 18-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

HB 776, relative to the administration of the children's study home. Ought to Pass with Amendment.

This bill transfers the administration of the children's study home to the Division of Children and Youth Services. It has been recommended by the Division of Mental Health and the Children and Youth Services. Vote 12-0. Rep. Yvette L. Chagnon for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Substitute Division for Children and Youth Services. Amend RSA 134:1 as amended by striking out said section and inserting in place thereof the following:

134:1 Administration. The provisions of this chapter shall be administered by the department of health and human services, division for children and youth services.

2 Temporary Detention. Amend RSA 134:3 as amended by striking out said section and inserting in place thereof the following:

134:3 Purposes of the Home. The home shall be maintained for the psychiatric and psychological study, diagnosis, and treatment of such children as may be committed to the care of the director of the division of mental health and developmental services for that purpose; provided, however, that children so committed shall not be permitted to remain there longer than 6 months at any one time. The home shall also be used as a receiving home for the temporary care of abused or neglected children by the director of the division for children and youth services or his authorized agent until more permanent disposition can be made for such child, but in no event for longer than 60 days. The home shall also be used as a receiving facility for the temporary detention of children who are awaiting disposition of the court pursuant to RSA 169-B:14.

3 Change of Director. Amend 134:4 (supp) as amended by striking out said section and inserting in place thereof the following:

134:4 Powers of the Director. The director of the division for children and youth services shall engage a director and staff members for the home and, within available appropriations and subject to the rules of the state personnel commission, employees as necessary for the home and clinics. The director, division for children and youth services shall, in consultation with the director of the home, adopt rules, pursuant to RSA 541-A, subject to the approval of the commissioner of health and human services, relative to the management of the home and clinics and all persons connected with the home or clinics, and for the admission, care, and treatment of children at the home and clinics.

4 Director, Division for Children and Youth Services Substituted. Amend RSA 134:6 as amended by striking out said section and inserting in place thereof the following:

134:6 Admission of Non-delinquents to the Home. Children not subject to proceedings in juvenile court may be admitted to the home for study, treatment, and care upon such terms as the director of the division for children and youth services may determine.

5 Director to Adopt Rules. Amend RSA 134:7 as amended by striking out said section and inserting in place thereof the following:

134:7 Discharge from Home; Rulemaking. The director of the division for children and youth services shall adopt rules, pursuant to 541-A, relative to the discharge of any child committed to the home when further detention is either unnecessary or undesirable and the return of the child to the custody from which the home received the child.

6 Records Available to Director, Division for Children and Youth Services. Amend RSA 134:8 as amended by striking out said section and inserting in place thereof the following:

134:8 Records of Director. Full and complete records shall be kept by the director of the division for children and youth services of the treatment and care of each child committed to the home and of the study of each child in both home and clinic. Such records shall only be available to any court that may have jurisdiction of the child in any matter pending in this state or to such person or persons as may be authorized by the court. The records shall not be open to the inspection of any persons not on the staff of the director of the division for children and youth services, except that a justice of the superior court may, in his discretion, on application make an order to permit examination of the records by the prosecuting officer of any other jurisdiction in which charges of delinquency or crime are charged against the person involved. Nothing in this section shall be taken to prohibit the disclosure by the director of the division for children and youth services, to the legislature or the public, of the generalized facts relating to the children examined in the clinics or committed to the home, together with conclusions as to the proper means for the control of such children and for child guidance as they draw from their experience, provided that the names and identities of particular children may not be disclosed.

7 Reference Deletion. Amend RSA 134:2 as amended by striking out said section and inserting in place thereof the following:

134:2 Duties of Director. The director, division of mental health and developmental services, department of health and human services, shall manage and conduct the mental hygiene clinics under the New Hampshire hospital and such other clinics of that nature as may in the future be provided for.

8 Transfer.

I. All of the functions, powers, and duties of the director of the division of mental health and developmental services relative to the children's study home are hereby transferred to and vested in the director of the division for children and youth services. The completed transfer provided for in this paragraph shall become effective on July 1, 1986.

II. The transfer of the children's study home provided for in paragraph I shall include all of the personnel, books, papers, records, unexpended appropriations or other funds, actions, or obligations formerly a part of the administration of the duties and responsibilities of the director of the division of mental health and developmental services relative to the children's study home. The director of the division for children and youth services shall, in consultation with the director of the division of mental health and developmental services, initiate rulemaking, pursuant to RSA 541-A, relative to the operation of the children's study home. The directors of the division for children and youth services and

the division of mental health and developmental services shall work together during the transition period to effectuate the purposes of this act.

9 Effective Date.

I. Sections 1-7 of this act shall take effect July 1, 1986.

II. The remainder of this act shall take effect 60 days after its passage.

HB 550, indexing utility rate increases resulting from the cost of certain newly completed generating facilities to the rate of inflation. Inexpedient to Legislate.

Another bill, HB 553, includes all utility rate cases covered in this bill with identical procedural, indexing and rate determination technique. HB 550 as well as HB 551, HB 553 and HB 554 were all introduced to modify the existing utility rate determination process. The Committee concluded that the best course of action was to combine in some fashion these four House Bills, and HB 554 was selected as the most generic one to amend. Vote 15-0. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

HB 551, relative to legislative oversight of certain rate increases approved by the public utilities commission. Inexpedient to Legislate.

HB 551 as well as HB 550, HB 553 and HB 554 were all introduced to modify the existing utility rate determination process. The Committee concluded that the best course of action was to combine in some fashion these four House Bills and HB 554 was selected as the most generic one to amend. HB 551 was not selected as appropriate to amend because of its dependence on the consumer price index and an unwieldy sequence of actions by the Public Utilities Commission, a House committee, the House and Governor in the determination of certain rate cases. Vote 15-0. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

HB 552, relative to nurse practitioner reimbursement. Ought to Pass with Amendment. The arguments for this legislation were many and compelling. The benefits to the consumer were great and extremely cost-effective. The arguments against the mandating of insurance coverage were conversely not compelling enough to outweigh the benefits to the consumers of this state. Vote 13-1. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Paragraph; Nurse Practitioners; Hospital Service Corporations. Amend RSA 419:5 by inserting after paragraph XI the following new paragraph:

XII. Notwithstanding any provision of any policy of insurance issued under the provisions of this section, whenever such

policy provides for reimbursement for any service which may be legally performed by a person licensed as an advanced registered nurse practitioner, reimbursement under such policy shall not be denied when such service is rendered by a person so licensed.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 New Paragraph; Non-Profit Health Service Corporations; Nurse Practitioners. Amend RSA 420-A:7 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any provision of any policy of insurance issued under the provisions of this section, whenever such policy provides for reimbursement for any service which may be legally performed by a person licensed as an advanced registered nurse practitioner, reimbursement under such policy shall not be denied when such service is rendered by a person so licensed.

HB 650, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. Refer for Interim Study.

The Committee unanimously feels that HB 650 is the best piece of legislation so far presented before the Committee regarding free enterprise zones in New Hampshire. However, there are a number of problems with the bill as drafted (including fiscal impact and time resources required for DRED). The Committee wants the opportunity to work with the sponsors and the Director of the Division of Economic Development in putting together the most beneficial, cost-effective and revitalizing free enterprise zone package. Vote 15-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 676, relative to purchases by and charges of certain electric utilities. Inexpedient to Legislate.

The sponsors oversimplified the total delivery system of electricity to the consumer during their arguments for this bill. The Committee was unanimously opposed to the ramifications of this legislation on the rate setting process. Vote 12-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs

HB 702, relative to deliveries of home heating fuels. Inexpedient to Legislate. This bill is special interest legislation. The Committee heard that three cases only were affected, and it would increase the consumers costs. Vote 13-1. Rep. Edward J. Allgeyer for Commerce, Small Business and Consumer Affairs.

HB 703, requiring energy efficiency labeling on appliances. Inexpedient to Legislate.

The Committee believes that it is not the time to put a statute in effect that

is for informational purposes. Vote 9-3. Rep. Edward J. Allgeyer for Commerce, Small Business and Consumer Affairs.

HB 715, relative to group insurance for part-time employees. Ought to Pass with Amendment.

This bill, as amended, will prohibit insurance companies from excluding part-time employees from group accident and health insurance plans if the employee wishes to include part-time employees at the full rate, a prorated rate or at the employees' expense. Vote 14-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Part-Time Employees; Group Insurance. Amend RSA 415:18, I by inserting after subparagraph (p) the following new subparagraph:

(q) A provision that the insurer shall not exclude part-time employees and shall offer the same benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer at a rate prorated between the employer and the employee, or at the employee's expense.

2 Notice of Features. Amend RSA 415:18, I (f) by striking out in line 7 the letter "(n)" and inserting in place thereof the following (o) so that said subparagraph as amended shall read as follows:

(f) A provision that the insurer shall issue to the employer or other person or association in whose name such policy is issued, for delivery to each member of the insured group, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage of such employee or such member, to whom the benefits thereunder are payable, and in substance the provisions of subparagraphs (g) to (o) inclusive.

3 Part-Time Employees; Medical Service Corporations. Amend RSA 420 by inserting after section 5-a the following new section:

420:5-b Part-Time Employees. A medical service corporation shall not exclude part-time employees and shall offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense.

4 Part-Time Employees; Nonprofit Health Service Corporations. Amend RSA 420-A by

inserting after section 7 the following new section:

420-A:7-a Part-Time Employees. A health service corporation shall not exclude part-time employees and shall offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense.

5 Part-Time Employees; Health Maintenance Organizations. Amend RSA 420-B:12 by inserting after paragraph III the following new paragraph:

IV. No health maintenance organization shall exclude part-time employees or refuse to offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense.

6 Effective Date. This act shall take effect January 1, 1986.

HB 736, requiring certain utilities to submit plans for energy conservation measures. Inexpedient to Legislate.

The measures provided for in this bill are already to a great extent being undertaken by the utilities in question; therefore, it is the unanimous opinion of the Committee that this piece of legislation is unnecessary. Vote 14-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 742, enabling mutual savings banks to reorganize as mutual holding companies. Ought to Pass with Amendment.

This legislation provides a procedure whereby mutual savings banks can reorganize as mutual holding companies. The Committee unanimously endorsed this progressive legislation which will insure the continued health and responsiveness of the mutual banking community. Vote 16-0. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 386-B:8, III(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(a) invest in the stocks and securities of banks and associations the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, other than the stocks and securities of national banks and state-chartered trust companies;

Amend RSA 386-B:8, III(f) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(f) engage in any non-banking activity authorized for a bank holding company or savings and loan holding company under federal law or regulation;

Amend RSA 386-B:8 as inserted by section one of the bill by inserting after paragraph III of said section the following new paragraph:

IV. The limitations of RSA 384-B:3 on the acquisition of affiliates by a bank holding company shall apply to a mutual holding company.

HB 755, relative to amendments in the New Hampshire energy code. Ought to Pass with Amendment.

This bill permits the Public Utilities Commission to amend the New Hampshire supplement to the code for energy conservation in new building construction through rules adopted under RSA 541-A. Current law does not specify which agency has authority to amend the code, but administrative responsibility for the code was given to the Public Utilities Commission by executive order of the Governor #82-15. Vote 13-0. Rep. Lucille T. Wood for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 155-D:10 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

155-D:10 Rulemaking. The public utilities commission shall adopt rules, under RSA 541-A, relative to amendments to the New Hampshire supplement to the code for energy conservation in new building construction adopted under RSA 155-D:2, V. Before filing a notice of proposed rule under RSA 541-A:3-a, the commission shall hold an informal hearing with any interested party for the purpose of securing a consensus on the proposed rule's content.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Code Administration. Amend RSA 155-D:4, I (supp) as inserted by 1979, 460:1 by striking out said paragraph and inserting in place thereof the following:

I. It shall be the responsibility of the towns and cities to enforce the provisions of this chapter. The public utilities commission shall administer the New Hampshire supplement to the code for energy conservation in new building construction.

7 Effective Date. This act shall take effect upon its passage.

HB 758, relative to third party payments for certain certified psychologists. Inexpedient to Legislate.

The arguments presented for overriding a long-standing certification process that

protects the consumer was not compelling. The chairman of the Psychologist's Board of Examiners raised serious issues regarding the "equality" of the psychologists in question with those duly certified. The majority of the Committee feels that the intent of this bill can best be addressed under the interim study of HB 732. Vote 11-5. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

HB 691, relative to the definition of a legal resident of New Hampshire. Inexpedient to Legislate.

The Committee feels the present definition of a legal resident is adequate. The criteria specified, in this bill would generate additional court challenges. Vote 10-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

HB 749, relative to the recall of public officials. Inexpedient to Legislate. The Committee feels that there is no need for this bill as there are other means to take care of this matter. Vote 10-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

HJR 4, establishing February as Black History Month. Inexpedient to Legislate. The Committee feels that with the recent proclamation by the Governor, honoring New Hampshire black citizens, that this bill is unnecessary. Vote 10-0. Rep. Matthew J. Locke for Constitutional and Statutory Revision.

HB 513, establishing an interdepartmental coordination system between the department of education and the department of health and human services. Ought to Pass.

This bill provides the much needed coordination between departments for the benefit of educationally handicapped children. Vote 16-0. Rep. Edmund M. Keefe for Education.

Referred to Appropriations.

HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains. Ought to Pass.

This bill amends the charter of the White Mountain School, St. Mary's-in-the-Mountains, by eliminating any limitation on the number of trustees who can be elected. Vote 15-0. Rep. Patricia O. Sanderson for Education.

HB 582, requiring the Derry school district to elect a finance committee and providing for the powers and duties of the committee. Inexpedient to Legislate.

This issue can be dealt with at the local level through the charter amending process. Vote 14-0. Rep. Dennis R. Bolduc for Education.

HB 588, requiring school districts to send to the state board the annual report of revenues and expenditures. Ought to Pass with Amendment.

This bill, as amended, allows for a more reasonable amount of time after the close of the fiscal year for school districts to send certain reports to the State Board of Education. Vote 12-0. Rep. Karen O. Wadsworth for Education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring school districts to send in an annual report of revenues and expenditures and repealing the penalty for their failure to make a timely report.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 189:29, relative to the penalty for failure to make a timely report to the state board, is hereby repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor. Ought to Pass.

This bill creates a study committee to review methods of funding the catastrophic costs of special education and to make recommendations therefor. Three members shall be from the House of Representatives and three shall be from the Senate. The Speaker of the House of Representatives shall appoint two members of the House Education Committee and one member from the whole. The President of the Senate shall appoint two members from the Senate Education Committee and one member from the whole. Vote 12-0. Rep. Irene C. Domini for Education.

HB 607, relative to special education medically related services and insurance. Refer for Interim Study.

The Committee feels this bill raises many questions concerning special education, and has unanimously voted to send to interim study to consider these issues. Vote 12-0. Rep. Monte D. Rehlander for Education.

HB 610, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. Refer for Interim Study.

According to the Department of Education, SAU's across the state have not been studied in over 20 years. The Committee believes this is an appropriate time to study all aspects of SAU's. Vote 16-0. Rep. Walter K. Robinson for Education.

HB 714, relative to fees for teacher certification. Ought to Pass.

This bill corrects inequities in the method of assessing fees for teacher certification and recertification of educational credentials. Vote 10-0. Rep. Ralph W. Pearson for Education.

Referred to Appropriations.

HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

This bill affects necessary and desirable changes in the Postsecondary Vocational-Technical College System, including the Technical Institute, to make the system more responsive to the needs of the economy and establish a more professional atmosphere and environment within the system. Vote 14-1. Rep. Ralph W. Pearson for Education.

Amendment

Amend RSA 188-F:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, one from the field of health service and one from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as chairman. Vacancies on the board of governors shall be filled by appointment by the governor and council within 90 days for the unexpired term only. If the vacancy is not filled within 90 days, the board of governors shall have the authority to appoint a new member to fill the vacancy.

Amend RSA 188-F:8 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:8 Presidents of the Institute and Colleges. The commissioner shall, subject to approval by the board of governors, appoint a president of the technical institute and presidents of the 6 technical colleges. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of governors. Salaries of the presidents shall be as established in RSA 94.

Amend RSA 188-F:9 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:9 Deans. The president of each institution of the department shall appoint deans, with the approval of the commissioner. The deans shall be reviewed

annually by the presidents and shall serve at the pleasure of the presidents. The salary of the deans shall be as established in RSA 94.

Amend RSA 188-F:13 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:13 Personnel. The commissioner with the advice of the president of the local institution shall have the authority to set standards for the duties and responsibilities which require the presence on campus of full-time faculty.

Amend RSA 188-F:19 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:19 Bookstore Operation.

I. The board of governors may operate bookstores at department institutions directly or through use of contracts with private vendors. Any such contracts shall be subject to review under normal state procedures and shall be approved by the governor and council.

II. The commissioner of postsecondary technical education may purchase such merchandise for resale in bookstores at the technical institute and technical colleges as may be necessary for the efficient operation of the postsecondary technical education programs. The purchases shall be for instructional books, supplies and materials. The department shall establish a bookstore account and purchases under this section shall be a charge upon that account. The price to be charged for instructional books, supplies and materials shall be sufficient to pay for the cost of the items purchased plus an additional service charge.

III. Net revenue derived from bookstore operations shall be paid into the student activity fund at that institution.

Amend RSA 188-F:20 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

188-F:20 Federal Funds. The state board of education acting as the state board for vocational technical education shall be the primary recipient of federal funds provided under the Carl Perkins vocational education act of 1984. The state board, shall, each year, provide the department of postsecondary technical education with funds available under the Titles I-IV of the act and subsequent amendments to the act. The department of postsecondary technical education shall jointly plan with the department of education for the expenditure of funds in the New Hampshire state plan for vocational education. The commissioner of postsecondary technical education and the commissioner of education shall cooperate in the development of applications for such funds.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Commissioner, Deputy, Presidents, Deans Classified. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting the following:

I. In group T, commissioner of postsecondary technical education.

II. In group R, the deputy commissioner of postsecondary technical education.

III. In group Q, the president of the technical institute and the presidents of the technical colleges.

IV. In group M, deans of the technical institute and the technical colleges.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 795, relative to suspension and dismissal of students. Inexpedient to Legislate.

Testimony taken and subsequent discussions convinced the sponsor that an alternative means to explore suspension and possible relationships to child abuse and neglect should be taken. Vote 16-0. Rep. Mary S. Nelson for Education.

HB 285, relative to priority of liens on hazardous waste facilities. Refer for Interim Study.

Please refer to the report on HB 375. Vote 15-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 375, relative to hazardous waste facilities. Refer for Interim Study. The large number of bills relating to hazardous waste this session is an indication of the many concerns that people have as the complexities of the subject become more apparent. The Committee shares these concerns and feels it is wiser to address the various issues raised by these bills together rather than in a piecemeal fashion. Therefore, the Committee will recommend that all bills relating to hazardous waste be sent to interim study and will begin work sessions this month and present legislation for the 1986 session. The Committee encourages your involvement and will provide ample opportunity for input during the study period. Vote 15-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 519, establishing an acid rain control act. Ought to Pass with Amendment. This bill, as amended, puts New Hampshire in the forefront of the states which are willing to assume responsibility for their own share of the problem. It will strengthen the Governor and our Congressional Delegation's effort on the national level to enact acid rain legislation. Vote 17-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend RSA 125-D:3, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

125-D:3 Acid Rain Control Program.

I. The agency shall develop an acid rain control program which shall be developed no later than December 31, 1986. The program shall do the following:

(a) Establish an emission inventory for sulfur dioxide for the period of 1982-1984 which will serve as baseline data.

(b) Identify scenarios and options to implement reduction according to the most stringent national legislation thus far proposed.

(c) Develop reduction strategies which will identify sources to be controlled, levels of control to be applied and control options.

(d) Evaluate, after consultation with the group established in paragraph II, strategies with regard to environmental and economic impacts. An evaluation shall be made of the emission reductions, source impacts on local air quality and sensitive areas and other environmental impacts. Cost effectiveness for each control option shall be estimated as well as impacts on utility rates.

(e) Adopt rules, pursuant to RSA 541-A, including, but not limited to, a compliance schedule for the implementation of a viable acid rain control program to accomplish the following goals:

(1) A reduction of sulfur dioxide emissions of at least 25 percent by December 31, 1990, to reach a goal of a 50 percent reduction by December 31, 1995.

(2) Implementation shall commence on or before January 1, 1987.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 631, imposing civil liability upon state agencies for damage to the environment or public health caused by an agency's failure to adequately enforce permit requirements. Refer for Interim Study.

Please refer to the report on HB 375. Vote 19-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 652, relative to hazardous waste siting procedures and use of the hazardous waste fund. Refer for Interim Study.

Please refer to the report on HB 375. Vote 15-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 661, establishing a committee to study alternatives to the present site evaluation committee. Inexpedient to Legislate.

Sponsor agrees that this subject will be included in the Committee's study of the

siting problem. Vote 16-0. Rep. Roberta C. Pevear for Environment and Agriculture.

HB 688, establishing past performance review and bonding in the licensing of solid and hazardous waste operators and land excavators. Refer for Interim Study.

Please refer to the report on HB 375. Vote 19-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB1 2017, relating to selection and certification of sites for new hazardous waste treatment facilities. Ought to Pass.

The Committee agrees totally with the intent of this bill. Vote 16-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB1 2018, relating to hazardous waste management and control. Inexpedient to Legislate.

The Committee feels that this bill is covered by other legislation. Vote 15-1. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 27, establishing a department of education. Refer for Interim Study.

The Committee believes that a consensus on the role of the State Board of Education relative to policy formulation and the appointment of the Commissioner must be reached before this bill moves forward. Vote 19-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 520, relative to supplemental information required on birth, marriage, and death certificates. Refer for Interim Study.

The Committee believes this bill merits further study and major revisions. The sponsor will work closely with the Committee on the rewrite of this bill. Vote 20-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 574-FN, abolishing the unclassified position of director of transportation. Inexpedient to Legislate.

This issue is being addressed in the reorganization of the Department of Transportation. Vote 13-5. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 655-FN, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance. Ought to Pass.

There are presently no provisions in RSA 100 to allow the Retirement System Board of Trustees to purchase fiduciary insurance to protect the board against any personal loss resulting from an adverse judgment against the board in discharge of its fiduciary responsibilities. This bill provides this authority with the cost of insurance premiums being paid from the assets of the New Hampshire Retirement System. Vote 20-0. Rep. Jack H.

Schofield for Executive Departments and Administration.

Referred to Appropriations.

HB 711-FN, creating a board of examiners in ophthalmic dispensing. Refer for Interim Study.

At the request of the sponsor who wants to complete a further study and collection of information, the Committee unanimously recommends that this be referred for interim study. Vote 18-0. Rep. William F. McCain for Executive Departments and Administration.

HB 741-FN, prohibiting boxing in New Hampshire. Inexpedient to Legislate.

This bill is submitted as a more restrictive measure than a bill submitted earlier. There was no additional testimony. Vote 20-0. Rep. William F. McCain for Executive Departments and Administration.

HB 627-FN, relative to the emergency medical service coordinating board. Ought to Pass with Amendment.

All testimony addressed at the public hearing favored this proposed amendment. It was brought home quite forcibly that five departments are deeply involved in emergency medical services and input from a representative of New Hampshire Association of Fire Chiefs would be an invaluable tool in long range planning to the Emergency Medical Service Coordinating Board. The bill also accommodates a need to absolve from civil liability a person or corporation who in good faith, without willful and wanton negligence, provides emergency telephone and radio communications for ambulance, police and fire departments. Vote 18-0. Rep. Leo W. Fraser, Jr. for Health and Human Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the emergency medical service coordinating board and limiting liability of persons providing emergency telephone and radio communications.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Liability of Persons and Corporations Providing Emergency Telephone and Radio Communications Limited. Amend RSA 508:12-a by inserting after paragraph II the following new paragraph:

III. No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence, provides emergency telephone and radio communications for ambulance, police and fire department.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 761, relative to court fees for trust accounts. Inexpedient to Legislate.

This bill would have eliminated trust accounts from restrictions on collection of Probate Court fees. The Committee voted 16-1 not to approve this significant change in present law. Rep. Francis E. Robinson for Judiciary.

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court. Ought to Pass.

This bill takes care of an inequity in the law of coverage for special duty police officers, firefighters and members of the General Court, who are injured during the performance of their respective duties and would entitle them to the maximum benefit of 100 percent of the average weekly wage. Vote 14-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 660, relative to benefits for part-time state employees. Ought to Pass. House Bill 660 defines a permanent part-time state employee and provides the right for them to receive the benefits afforded full-time state employees on a prorated basis. Vote 14-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Referred to Appropriations.

HB 673, revising the 39 week extension of health insurance benefits to terminated employees. Ought to Pass with Amendment. House Bill 673, as amended, provides a procedure for notification to an individual who is eligible for the 39 week extension of health insurance benefits that he be given written notice, employee handbook inclusion or employee benefits plan book or posted on an employee bulletin board. Vote 13-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring written notice for the 39-week extension of health insurance benefits.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Written Notice Required. Amend RSA 415:18, VII (g)(1) as inserted by 1981, 391:1 by striking out said subparagraph and inserting in place thereof the following:

(g)(1) Whenever any individual who is a member of any group hospital, surgical, medical insurance plan or health maintenance organization becomes ineligible for continued participation in such plan for any reason including death, the benefits of such plan shall be available

at the same group rate to the individual, the surviving spouse and the dependents covered by the group plan, for an extension period of 39 weeks or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first. The individual, surviving spouse or dependent shall elect to continue the participation in the group plan within 30 days after the member becomes ineligible to participate. The member, surviving spouse or dependent shall be responsible for payment of premiums to the employer or policyholder throughout the extension period. Upon termination of the extension period, the member, surviving spouse or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual or surviving spouse, if the employer fails to make payments to the insurer or hospital or medical service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated. Any individual who becomes eligible for the 39-week extension period provided herein shall be given written notice of this continuation privilege and its duration. Written notice may be an inclusion in the employee handbook or the employee benefits plan handbook, or may be posted on an employee bulletin board for labor-related notices.

HB 675, relative to unemployment compensation. Inexpedient to Legislate. The Committee felt this bill would provide for job hopping and that the employee should be liable for his own actions and not the employers in the state. This bill would create an exception to the concept of the Unemployment Compensation Law and the Committee had a concern for the solvency of the fund. Vote 13-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 684, relative to public employee collective bargaining. Refer for Interim Study.

This measure requires in-depth study to deal with the wording of temporary status and the number of hours worked by temporary persons. The Committee also felt other changes might not give the union an incentive to bargain in certain instances. Vote 13-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 692-FN, relative to contribution rates for unemployment compensation. Ought to Pass with Amendment.

This is an agreed bill negotiated by both labor and business. It raises the unemployment benefits for those in the \$20,500 through \$22,500 category and it also insures the solvency of the fund,

as well as issues of conformity. Vote 14-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Total and Partial Unemployment.

Amend RSA 282-A:14, III(a) (supp) as inserted by 1981, 408:3 as amended by striking out said subparagraph and inserting in place thereof the following:

III. (a) For the purposes of paragraphs I and II: The term "wages" shall include compensation for temporary partial disability under the workers' compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature, except those specifically excluded elsewhere in this subparagraph, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. "Wages" shall not mean and shall not include payments from a supplemental unemployment plan as defined in RSA 282-A:3-a. Wages or earnings or both shall be deemed to have been received for such week or weeks in which earned or, if not clearly identifiable, then for such week or weeks as the commissioner may find such can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of 20 percent, rounded to the nearest dollar, of his weekly benefit amount.

Amend RSA 282-A:82 as inserted by section 9 of the bill by inserting after paragraph V the following new paragraph:

VI. The provisions of this section shall be cumulative. The minimum contribution rate under this section shall be not less than .01 percent.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Repeal. The following are hereby repealed.

I. RSA 282-A:27, relative to a maximum amount.

II. RSA 282-A:75, II, relative to the fund chargeable.

HB 781, conforming state unemployment compensation law to federal law. Inexpedient to Legislate.

This measure would change the method of charging some or all of the cost of unemployment benefits from the employer who caused the unemployment to either the trust fund, or to a contributing employer, who had nothing to do with the separation or the claimant's eligibility. Vote 14-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 785, relative to defined benefit pension funds in the private sector. Refer for Interim Study.

This measure requires in-depth study to deal with the cost of administering the plan as well as the possible loss of the employee because of conditions in the financial market place, not under his controls. Vote 13-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 793-FN, relative to unemployment insurance for persons who contract with a municipality to provide services for less than 6 months. Inexpedient to Legislate.

If passed, this bill would put the state out of conformity with federal law. Vote 14-0. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HB 799, establishing that providers of respite care and client skills training to developmentally impaired individuals shall not be deemed to be in employment by area agencies. Refer for Interim Study.

It was felt by the Committee that HB 799 needed further study. The measure endeavors to exempt respite care workers from the term "employees" under RSA 282-A, the Unemployment Compensation Law, so that they will not be participants in the state's unemployment insurance system. The Committee hopes, through study, rules could be established in the Division of Mental Health or the law changed, if necessary, in the next session to properly address this concern. Vote 13-1. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

HR 25, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process. Ought to Pass with Amendment.

The Committee was intrigued by the concept as outlined by sponsors. The amendment addresses the membership and operation of the select committee. Vote 15-0. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the speaker of the house appoint a select committee of not more than 15 members of the legislature who express an interest in and commitment to evaluating the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process. The committee shall elect a chairman and clerk from its members and shall explore innovative methods of managing conflicts and political disputes. The committee shall provide a report of its activities and findings to the speaker of the house by September 1, 1985. The committee shall, if

appropriate, submit proposed legislation to the director of legislative services for drafting and introduction in the 1986 legislative session by September 1, 1985.

HB 308, excluding easements from the definition of subdivision. Refer for Interim Study.

The Committee feels that the aims of the bill have merit. More time is needed, however, to draft a bill that will not conflict with existing statutes that should be retained. Vote 20-0. Rep. Timothy Bates for Municipal and County Government.

HB 637-FN, regarding changes in the timber tax laws. Ought to Pass with Amendment.

This bill addresses numerous problems now evident in the present Timber Tax Law. It enhances the ability of the collectors in the various towns in the collection of the tax. It also changes the responsibility for the payment of the tax to the landowner. Other changes are of a housekeeping nature. Vote 20-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 79:1, II(b) as inserted by section 1 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) Persons engaged in the clearing or maintaining of rights-of-way or water storage reservoir areas incidental to the furnishing of utility services or transportation services to the public; provided, however, that when the person clearing or causing the clearing of said right-of-way sells or agrees to sell the wood or timber, he shall be deemed to be an "owner" as defined in subparagraph II(a) above.

Amend RSA 79:6 as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

79:6 Collection. The normal yield tax shall constitute a lien upon all real estate of the owner owned on the date of assessment and may be enforced and collected by any appropriate means provided for the collection of taxes in RSA 80, except that right of distraint and lien provided by RSA 80:8 and 19 shall expire 18 months from the date the yield tax is assessed.

Amend RSA 79:2 as inserted by section 19 of the bill by striking out same and inserting in place thereof the following:

79:2 Release from Taxes. All growing wood and timber except fruit trees, sugar orchards, nursery stock, Christmas trees and trees maintained only for shade or ornamental purposes, which shall not be subject to the yield tax, shall be released from the general property tax and the school tax in unincorporated places provided for in

RSA 198:16, but the land on which such growing wood and timber stands shall be assessed.

HB 716, relative to the land use change tax. Ought to Pass with Amendment.

This bill would provide the Register of Deeds with the original copy of the Land Use Change Tax release document together with the appropriate fees. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Payment of Land Use Change Tax and Recording Fees. Amend RSA 79-A:7, II(d) (supp) as inserted by 1977, 326:2 as amended by striking out said subparagraph and inserting in place thereof the following:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills therefor, and interest at the rate of 18 percent per annum shall be due thereafter on any taxes not paid within the said 30 day period.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 727, relative to employee removal powers of county commissioners. Inexpedient to Legislate.

The bill was apparently intended to establish a procedure to immediately suspend a county employee for cause. Neither the bill as drafted nor an amendment achieved this intent. Vote 16-0. Rep. Timothy Bates for Municipal and County Government.

HB 777, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years. Ought to Pass with Amendment.

This bill grants greater flexibility to municipalities in financing the various necessary public projects. Vote 19-1. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years and to renewal of bond anticipation notes.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Temporary Loans. Amend RSA 33:7-a (supp) as inserted by 1957, 89:1 as amended by striking out in said section and inserting in place thereof the following:

33:7-a Temporary Loans. If a municipality votes to issue bonds or serial notes in accordance with this chapter, or when bonds have been authorized by a county convention, and such action was in accordance with the provisions of law in all respects, the officers authorized to issue the same may, in the name of the municipality, or county, make a temporary loan or loans in anticipation of the money to be derived from the sale of such bonds or notes and may issue temporary notes therefor from time to time which are payable not later than 5 years from their respective dates of issue. Temporary notes issued for a period of less than 5 years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed 5 years. When a temporary loan is made in anticipation of an issue of bonds or serial notes, the periods within which annual payments of an equivalent amount of the principal of such bonds or serial notes must commence and end under this chapter shall be measured from the date of the original note or notes representing such temporary loan, except that such annual payments need not commence less than one year after the date of such bonds or serial notes. No such notes shall be renewed beyond the third anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which said notes are issued, is paid and retired on or before said third anniversary date and, if such notes are renewed beyond the fourth anniversary date of the original notes, a like amount is paid or retired on or before said fourth anniversary date from funds other than proceeds of the obligation.

HB 789, relative to municipal industrial development authorities. Refer for Interim Study.

While the Committee feels this bill has merit, there are too many questions that could not be answered because of time constraints. Vote 20-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 790-FN, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. Inexpedient to Legislate.

While there is some merit to the concept presented in this bill, the problems for the Assessors, Selectmen and Tax Collectors caused the Committee to vote this bill Inexpedient to Legislate. Vote 15-1. Rep. David M. Perry for Municipal and County Government.

HB 800, relative to town trust funds. Inexpedient to Legislate.

This bill did not provide for a cap to be allowed for administrative expenses of trustees of trust funds. Vote 16-0. Rep. George M. West for Municipal and County Government.

HB 165, relative to an OHRV facility in the Pine River state forest. Ought to Pass with Amendment.

This bill, as amended, set up a process whereby the Bureau of OHRV (DRED) can establish 2-year pilot projects on public or private land with a project committee to oversee and help design the project. The Committee includes all local and state agencies having an interest in such projects, including landowners and user groups. The amendment also increases the protection for landowners against frivolous law suits. Vote 17-1. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to OHRV pilot projects requiring project committees; and limiting the liability of property owners relative to OHRVs and ATVs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 215-A by inserting after section 37 the following new subdivision:

Pilot Projects

215-A:38 OHRV Pilot Projects. The bureau of off-highway recreational vehicles may develop OHRV projects (off-highway recreational trails) on a pilot basis in a state park, state forest, other public land or private land after agreement has been reached concerning the details of the project with the landowner or landowners and the project committee. Each project shall be monitored for physical and environmental damage as well as other problems and benefits. A report shall be made annually to the president of the senate, the speaker of the house of representatives, the commissioner of the department of resources and economic development, and the executive director of the department of fish and game. Pursuant to RSA 215-A:3, V and RSA 215-A:3-a, the commissioner of the department of resources and economic development shall adopt rules relative to the operation and monitoring of OHRV use in pilot projects. Pilot projects shall last for 2 years unless extended by an act of the legislature.

215-A:39 Project Committee.

I. A project committee shall be established for each pilot project. Each project committee shall advise the bureau of off-highway recreational vehicles on the establishment of trails, safety conditions, enforcement policies, inspection of facilities and environmental conditions in the project area with reference to an OHRV pilot project authorized pursuant to RSA

215-A:38. Each committee shall consist of members from the following organizations and agencies: the department of fish and game, appointed by the executive director; the department of resources and economic development, appointed by the commissioner; 2 representatives from the governing body of the municipality or municipalities in which the project is located, appointed by the chairman of the body; 2 representatives from the municipal planning board, appointed by the board; 2 representatives from the municipal conservation commission, appointed by the commission; a landowner who shall be an abutter; 2 members of the statewide trails advisory committee, appointed by the chairman pursuant to RSA 216-F; a representative from the municipal police department in the municipality in which the project is located, appointed by the chief of police; and 2 members-at-large who shall be users of OHRV trails, chosen by the previously designated committee members. The committee members shall choose one of their membership to be chairman.

II. The committee shall have the following duties and responsibilities:

(a) To meet on a regular basis.

(b) To review policy and rules as proposed by those agencies having jurisdiction, and to comment on them.

(c) To review the proposed trails with an eye to impact on the environment or surrounding landowners.

(d) To make frequent inspections of the project area at peak periods of use to review the effectiveness and adequacy of rules and policies.

(e) To hold public hearings from time to time to provide the general public with a forum to be heard.

(f) To encourage and assist in educating the public in proper use of the park.

(g) To encourage self-policing by the various members of the public using the facilities.

(h) To assist OHRV clubs in encouraging good sportsmanship and respect for the land.

(i) Submit reports, at least on a semi-annual basis, to all those having jurisdiction or an interest in the pilot project on the following matters:

(1) number using the project (or best estimate).

(2) accidents: nature of injury, frequency, and cost.

(3) community acceptance.

(4) community and environmental impact.

(5) problems in abuse.

(6) recommendations; success or shortcomings of the project.

(7) any other item that might be of interest to those monitoring the project.

III. Members of the committee shall serve without compensation.

2 State Parks and Forests. Amend RSA 215-A:31 (supp) as inserted by 1981, 538:3 by striking out said section and inserting in place thereof the following:

215-A:31 State Parks and Forests. All trails under the jurisdiction of the

department of resources and economic development including any pilot projects, so far as possible and consistent with their primary functions, shall be made available for use by OHRVs subject to the fees and rules adopted by the directors of the division of parks and the division of resources with the approval of the commissioner of resources and economic development.

3 Duty of Care. Amend RSA 212:34, III(a) (supp) as inserted by 1961, 201:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) For intentionally causing injury or damage; or

4 Posted Land. Amend RSA 215-A:34 (supp) as inserted by 1981, 538:3 as amended by striking out said section and inserting in place thereof the following:

215-A:34 Posted Land.

I. An owner may post all or any portion of his land against use by an OHRV. Such notices shall read "SNOW TRAVELING VEHICLES PROHIBITED" or "OHRVs PROHIBITED" or may have in lieu of these words an appropriate sign with the designated symbol of sufficient size to be readable at a distance of 50 feet indicating that use of this land is prohibited for the purpose so specified. Whoever without right enters such land that has been so posted shall be guilty of a violation. Provided, however, that failure of an owner to post his land as provided in this section shall not be construed as granting any license to users of OHRVs to enter said premises, nor shall said failure be construed as implying any duty of care to the user of an OHRV by the owner.

II. It is recognized that OHRV operation may be hazardous. Therefore, each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the OHRV user assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other operators or persons.

5 Landowner Liability Limited. Amend RSA 508:14, I as inserted by 1975, 231:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

6 Effective Date. This act shall take effect 60 days after its passage.

HB 591-FN, requiring the state to underwrite the total expense of fighting forest and brush fires on state owned park or forest land in any town or towns. Ought to Pass with Amendment.

This bill provides that the state shall underwrite all expenses incurred in fighting a brush or forest fire which is contained within a state owned park or forest. However, if the forest or brush fire spreads to private land from the state owned forest or park, and negligence is not a factor, then the town shares the expense pursuant to the present provisions of RSA 224:15. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 224:15-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

224:15-a Total State Expense.

I. Notwithstanding the provisions of RSA 224:15, if a forest or brush fire occurs within any state owned forest, park land or federal flood control land under lease to the state in any town or towns, the state shall be responsible for the total expenses incurred in fighting such a fire.

II. If a forest or brush fire, which started within any state owned forest, park land or federal flood control land under lease to the state in the absence of negligence, spreads to private land, the provisions of RSA 224:15 shall be applicable.

HB 657-FN, relative to wetlands protection and enforcement. Ought to Pass with Amendment.

This bill provides the Wetlands Board with authority to impose an administrative fine of up to \$2,000 upon any person who violates the Wetlands statute. It does not preclude the imposition of additional appropriate penalties. This will increase the ability of the Wetlands Board to take effective and prompt action against violations. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend RSA 483-A:5-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

483-A:5-a Administrative Fine. The wetlands board, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to \$2,000 for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be placed in the non-lapsing fund authorized in 483-A:6.

HB 705, establishing an approval and certification system for water supply and environmental testing laboratories. Ought to Pass with Amendment.

This bill directs the Commission to establish an annual certification program for water testing laboratories. Certification shall be on an analyte-by-analyte basis and shall be based on the laboratory's ability to analyze samples accurately and precisely. The bill authorizes the Commission to establish a fee schedule for the certification procedure. Vote 14-5. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purposes; Intent. The general court enacts this legislation directing the water supply and pollution control commission to exercise its role as New Hampshire's primary state laboratory under the United States Environmental Protection Agency's rules and regulations by certifying local water testing laboratories. The general court finds that strengthening the testing and certification program of the commission to provide comprehensive in-state water testing services will encourage the further determination of potential health and environmental risks, will encourage the growth of the water testing industry in the state, will encourage the advancement of water testing technology and is in the best interest of the consumer of water testing services.

2 Rules Relative to Unregulated Contaminants. Amend RSA 148-B:5 by inserting after paragraph II the following new paragraph:

III. The commission may establish a maximum contaminant level or water treatment techniques on a case-by-case basis for a public water system in which an unregulated contaminant creates a health risk, as determined by the division of public health services, department of health and human services, to the users of the public water system. An unregulated contaminant is one for which no maximum contaminant level or treatment technique has been established under paragraph I or II. The maximum contaminant level for an unregulated contaminant shall be as recommended by the division of public health services, department of health and human services.

3 Water Testing Laboratory Certification. Amend RSA 148-B:4 (supp) as inserted by 1977, 590:1 by striking out said section and inserting in place thereof the following:

148-B:4 Water Testing Laboratory Certification.

I. Any laboratory conducting water analysis tests for the purpose of determining compliance of a public water supply with the provisions of RSA 148-B:5 and any laboratory conducting water tests in

this state for any other governmental purpose where a requirement of certification is specified shall first obtain certification.

II. The commission shall establish and administer a program to certify on an annual basis the facilities, techniques, collection procedures, testing methods, analytical performance, and qualifications of personnel of any laboratory for the purposes of RSA 148-B:4, I. The program shall be no less stringent than the United States Environmental Protection Agency's rules and regulations for the certification of drinking water laboratories. Certification shall be granted on an analyte-by-analyte basis and shall be based on the capability of the laboratory to analyze samples with precision and accuracy.

III. A laboratory may subcontract tests which it is not certified to perform to another laboratory which is so certified, provided that the test report clearly indicates which tests were subcontracted and that laboratory test records which specify the name and address of the laboratory which performed the work are maintained and made accessible to the commission upon request.

IV. Provisional certification may be granted on terms and conditions as set forth in rules adopted by the commission in accordance with RSA 541-A.

V. The commission may establish certification standards for measuring contaminants in water which are not covered by RSA 148-B:4, I-II, and may implement a certification program encompassing such contaminants when to do so would aid in the determination of potential health or environmental impacts.

VI. The commission shall approve and certify laboratories certified in other states upon request, provided that the certification program in such states is at least equivalent to that enforced nationally by the United States Environmental Protection Agency. The commission may inspect or otherwise verify that the applying laboratory is performing at the certification level.

VII. An alternate laboratory test method may be acceptable only if it is equivalent to the prescribed test in both accuracy and reproducibility as it relates to the determination of compliance with any maximum contaminant level. The commission shall certify an alternate laboratory method if the method has been approved by the United States Environmental Protection Agency.

VIII. Certification may be denied, revoked, suspended, or modified as determined by rules of the commission. A laboratory which has had certification revoked or suspended shall be recertified at such time as it again meets criteria for certification.

IX. Changes in laboratory ownership, location, personnel, methodology, or other factors significantly affecting the performance of analyses for which it was originally certified shall be reported to the certification officer of the commission within 48 hours of the change.

X. The commission shall establish by rules, under RSA 541-A, a reasonable time frame for the completion of the certification process. The provisions under which any laboratory is certified at the time of the effective date of this paragraph shall not be affected in any way, except as provided in RSA 148-B:4, VIII, before the completion of the certification process within the time frame established by the commission.

XI. Nothing in this section shall be construed to limit or control laboratory services which are offered or performed outside the scope of the certification program provided for in RSA 148-B:4, I-II. Participation of laboratories in the certification program described in RSA 148-B:4, V shall be voluntary.

148-B:4-a Fees; Advertising.

I. The commission shall adopt rules under RSA 541-A, after public hearing, establishing a schedule of reasonable fees to be paid by any laboratory applying for approval and certification.

II. The schedule of fees shall be designed to recover the direct cost and travel expenses associated with the certification services provided under RSA 148-B:4, and such fees shall be available to the commission to be used to defray the cost of travel and associated expenses for such services. Funds received shall be deposited in a special account maintained by the commission to offset the costs of the inspection program. Any balance remaining at the end of the fiscal year shall lapse to the general fund. This paragraph shall not be construed to mean that all agency costs associated with the certification program, such as agency overhead, facilities, and staff services are to be prorated and recovered by fees.

III. A laboratory shall provide each prospective New Hampshire client with a list which clearly indicates the specific analytes which the laboratory is certified to test. In the event that a client has paid a fee to a laboratory in anticipation of testing services before the receipt of said test sampling materials, and the client subsequently determines upon receipt of the test materials that the laboratory is not certified to provide testing services to meet his needs, the client may cancel his order for any testing services which have not yet been performed, and the laboratory shall make full refund to the client. Test reports shall clearly identify those specific analytes for which a laboratory has certification and shall specifically identify any analyses which were subcontracted to other laboratories.

148-B:4-b Rulemaking. The commission shall adopt rules, under RSA 541-A, relative to:

I. Procedures and standards for certification of laboratories, including but not limited to the form and content of approval and certification application forms, analytical techniques to be employed, performance collection and testing procedures, performance on proficiency test samples, as well as qualifications for laboratory personnel. The procedures and standards

shall be no less stringent than the rules and regulations of the Environmental Protection Agency for the certification of drinking water laboratories.

II. Procedures and standards for provisional certification of laboratories.

III. Procedures and conditions under which certification of water testing laboratories may be revoked, suspended or modified.

IV. Information to be disclosed when tests are subcontracted.

V. Procedures and criteria for laboratory recertification.

VI. Procedures for the certification of laboratories which have been certified by other states.

VII. Procedures for approval of alternate testing methodology.

VIII. Fees for certification, including rules for accounting of the fees.

IX. Procedures and standards for testing of water under any expanded certification program.

X. A time frame for the completion of the certification process.

XI. Standards for the case-by-case establishment of maximum contaminant levels or water treatment techniques for unregulated contaminants in public water systems.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 740, recodifying the historic preservation statutes. Ought to Pass with Amendment.

This bill recodifies the Historic Preservation statutes which are scattered through the RSA into a single chapter. This consolidation will benefit citizens interested in New Hampshire's archeological and historical background as well as those legislators needing to research historical problems. Vote 19-0. Rep. Nancy C. Hendrick for Resources, Recreation and Development.

Amendment

Amend RSA 227-C:4, XIII-XVII as inserted by section one of the bill by striking out said paragraphs and renumbering the original paragraphs XVIII-XXIII to read as XIII, XIV, XV, XVI, XVII, and XVIII, respectively.

Amend RSA 227-C:5, XXV as inserted by section one of the bill by striking out same.

Amend RSA 227-C:20 as inserted by section one of the bill by striking out said section and inserting in place thereof the following:

227-C:20 Duties. The state historical records advisory board shall serve as a central advisory body for historical records and for planning projects developed and carried out under the program in the state and in compliance with the national historical records and publications commission. The board may:

I. Sponsor surveys regarding the condition and needs of historical records in the state.

II. Solicit and develop plans for historical records projects.

III. Review and make recommendations regarding historical records projects proposed by institutions in the state.

IV. Develop and revise state plans for historical records projects according to established priorities.

V. Review the operation and progress of approved historical records projects in the state, financed by the national historical records and publications commission, through the board.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Recodification. Amend RSA 227-C as inserted by 1974, 32:1 as amended by striking out said chapter and inserting in place thereof the following:

CHAPTER 227-C HISTORIC PRESERVATION

227-C:1 Definitions. As used in this chapter, the following words and terms shall have the following meanings unless a contrary meaning shall appear in the context:

I. "Commissioner" means the commissioner of the department of libraries, arts and historical resources or his designee.

II. "Council" means the state historical resources council.

III. "Department" means the department of libraries, arts and historical resources.

IV. "Field investigation" means the search for, identification of, and evaluation of historic resources, and the study of the traces of human culture at any land or underwater historic property, by means of inspection, surveying, digging, excavating, or removing surface or subsurface objects, or going onto a site with that intent.

V. "Historic preservation" means the research, excavation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archeology, or culture of this state, its communities, or the nation.

VI. "Historic property" means any building, structure, object, district, area or site that is significant in the history, architecture, archeology or culture of this state, its communities, or the nation.

VII. "Historic resource" means:
(a) Any historic property which has been listed in the National Register of Historic Places or has been determined by the keeper of the register to be eligible for the National Register using the criteria for evaluation in 36 CFR 60.6;

(b) Any object, or group of objects, located in or associated with an historic property;

(c) Skeletal remains of humans that would not be subject to the provisions of RSA 611-A and which fall under the provisions of RSA 227-C:8, VI; skeletal remains of other vertebrate animals; and

other fossils within a cultural context that constitutes, or may constitute, the whole or part of an historic property;

(d) Any object, or group of objects, and the district, area, or site they define, which may yield significant data but whose value and significance has yet to be determined by the division of historical resources; or

(e) Any significant data that may be used to answer research questions about an historic property, and events and processes of the human past, provided by the fields of archeology, history, architecture and such supplemental sciences as ethnography, paleoecology, and related sciences.

VIII. "Office" means the state historic preservation office, also known as the division of historical resources, department of libraries, arts and historical resources.

IX. "State archeologist" means the member of the professional staff designated by the director of the division of historical resources with the approval of the commissioner to develop, supervise and coordinate activities necessary to discharge and integrate the powers and duties of the office in the field of archeology as mandated by federal and state laws and procedures.

227-C:2 State Historic Preservation Office. The division of historical resources, department of libraries, arts and historical resources established by RSA 21-J:7 shall also be known as the state historic preservation office. The director, division of historical resources shall also be known as the state historic preservation officer.

227-C:3 Administration.

I. The director, subject to the approval of the commissioner, shall conduct any relations with the representatives of the federal government and the respective states with regard to matters of historic preservation.

II. The director, subject to the approval of the commissioner, may employ such professional personnel as required, subject to the personnel laws of the state and within budgetary limitations.

III. Consultants, as required, subject to budgetary limitations, may be employed by the director, with the approval of the commissioner.

IV. With the approval of the commissioner, the director may organize councils to assist the division as necessary, such as, but not limited to, an advisory archeological council of professional archeologists and representatives of professional and amateur societies. All members of the councils shall serve without compensation.

V. The director may employ or otherwise engage certified avocational archeologists to assist in the performance of field investigations under the direct supervision of the division, or those authorized by the commissioner, and to assist in information exchange and historic preservation with towns and communities, subject to personnel laws, budgetary

limitations, grant restrictions, and approval of the commissioner.

227-C:4 Historic Preservation Functions. The division of historical resources shall have the following functions, including, but not limited to:

I. Undertaking a statewide survey to identify and document historic properties, including all those owned by the state, its agencies and political subdivisions.

II. Preparing the state's historic preservation plan with the assistance of the office of state planning, reviewing that plan annually, and revising it accordingly.

III. Providing information on historic properties within the state to the agencies of the federal, state, regional and local governments and, when appropriate, to private individuals and organizations.

IV. Accepting moneys for historic preservation from public and private sources in the name of the state and utilizing these as conditioned by the appropriation, award, grant or donation, or, if the moneys are unencumbered, supplementing other funding to implement the annual state historic preservation plan.

V. Cooperating with federal, state, regional and local government agencies in the planning and conduct of specific undertakings affecting historic properties and preservation objectives and in overall land use planning.

VI. Coordinating the activities of regional and local government agencies in accordance with the state plan and programs for historic preservation.

VII. Providing technical and financial assistance to regional and local government agencies and private individuals and organizations involved in historic preservation activities.

VIII. Stimulating public interest in historic preservation in cooperation with other state, regional and local agencies and with other private individuals and organizations.

IX. Developing an ongoing program of historical, architectural and archeological research and development to include continuing surveys, excavation, scientific recording, interpretation and publication of the state's historical, architectural, archeological and cultural resources. A reasonable charge may be made for publications.

X. Considering proposals to erect highway historical markers under RSA 236:41. No such marker shall be put in place without division approval. The division may make cooperative agreements with towns and historical organizations to place historic markers under RSA 236:44.

XI. Providing technical review and comment relative to the commissioner's powers and duties in the preservation of state historic resources under RSA 227-C:6-8.

XII. Cooperating with the state historian appointed under RSA 17-I:3.

XIII. Cooperating with the state archivist appointed under RSA 8-B:4.

XIV. Cooperating with and aiding municipalities in the establishment, layout and definition of historic districts under RSA 674:45-50.

XV. Cooperating with and assisting state and local historical societies in their historic preservation activities.

XVI. Cooperating with the director, division of parks, in the administration of state public areas which are historic sites under RSA 218:5-a, I(a) and RSA 218:5-a, II(a).

227-C:5 Rulemaking. The commissioner of libraries, arts and historical resources shall adopt rules, under RSA 541-A and subject to ratification by the state historical resources council, relative to:

I. Identifying and documenting historic properties, as authorized by this chapter.

II. Preparing the state's historic preservation plan, as authorized by RSA 227-C:4, II.

III. Providing information on historic properties within the state to agencies of the federal, state, regional and local governments, as authorized by RSA 227-C:4, III.

IV. Coordinating regional and local government activities with the state historic preservation plan and programs, as authorized by RSA 227-C:4, VI.

V. Providing technical and financial assistance to regional and local governments involved in historic preservation activities, as authorized by RSA 227-C:4, VII.

VI. Developing an ongoing program of historical, architectural and archeological research and development, including publication of the state's historic resources, as authorized by RSA 227-C:4, IX.

VII. Accepting moneys for historic preservation from public and private sources, as authorized by RSA 227-C:4, IV.

VIII. Categories of field investigations that may yield or alter historic resources, as authorized by RSA 227-C:7, II.

IX. Standards for the conduct of field investigations, as authorized by RSA 227-C:7, I.

X. Qualification criteria for professional and avocational archeologists for all established categories of field investigations, as authorized by RSA 227-C:7, II.

XI. Training and certifying avocational archeologists, as authorized by RSA 227-C:10.

XII. Employing and otherwise engaging avocational archeologists, as authorized by RSA 227-C:3, V.

XIII. Employing consultants, as authorized by RSA 227-C:3, III.

XIV. Issuance, revocation, suspension and extension of permits, as authorized by RSA 227-C:7, IV.

XV. The terms of a permit, as authorized by RSA 227-C:7, IV.

XVI. Fair and equitable allocation and distribution of historic resources recovered from a permitted field investigation, as authorized by RSA 227-C:8, III.

XVII. Preservation agreements for the protection of historic resources released in private custody, as authorized by RSA 227-C:8, IV.

XVIII. Temporary loans of historic resources to qualified persons or institutions within or outside the state, as authorized by RSA 227-C:8, I(d).

XIX. Procedures for the conduct of hearings consistent with due process, as authorized by RSA 227-C:7, V.

XX. Sale or transfer of real property, as authorized by RSA 227-C:9, III.

XXI. Creation and organization of advisory councils, as authorized by RSA 227-C:3, IV.

XXII. Approval of highway historical markers, as authorized by RSA 227-C:4, X.

XXIII. Listing historic districts established under RSA 674:46.

Preservation of State Historic Resources

227-C:6 State Title to Historic Resources on State Lands and Under State Waters. The state, acting through the commissioner, reserves to itself title of ownership of all historic resources on or from:

I. Lands owned or controlled by the state, its agencies, departments, commissions, institutions or political subdivisions;

II. The bottom of navigable waters in the state, great ponds and 3 miles seaward from the New Hampshire shore in the territorial tidal waters of the state.

227-C:7 Permits Issued for State Lands and Waters.

I. To assure proper protection, investigation, interpretation and management of historic resources, and the continued availability of historic resources for scientific study by qualified persons, agencies or institutions, the state, acting through the commissioner, reserves to itself the exclusive right and privilege to conduct, or cause to be conducted, field investigations of historic resources that involve the alteration of the surface or subsurface of the resource and removal of any surface or subsurface objects.

II. The commissioner shall establish categories of field investigations that may yield or alter historic resources and qualification criteria for professional and avocational archeologists for all categories of field investigations.

III. For purposes of determining proper persons to whom permits may be issued, the original discoverer of a previously unrecorded historic resource shall be conclusively presumed to be an appropriate person to actively participate in all phases of subsequent field investigations and shall be eligible to receive a permit under the rules adopted by the commissioner.

IV. The division shall issue a permit to any person, agency or institution upon application to conduct field investigations in accordance with the rules adopted by the office. When the division denies, revokes, suspends or refuses to extend a permit, it shall issue a written statement describing the deficiencies in the permit application and the reasons for the action taken.

V. The commissioner may conduct hearings upon receiving written complaint from any person, including a council member, concerning the issuance, denial of issuance, revocation, suspension, extension, or refusal of extension of any permit issued under this chapter.

227-C:8 Division and Disposition of Historic Resources.

I. The commissioner shall be the technical custodian of all state historic resources and shall make arrangements for:

(a) The allocation of any historic resources recovered from a permitted field investigation between state and private custody.

(b) The disposition of the state portion in an appropriate institution of the state as close to the place of origin as possible.

(c) A preservation agreement for the portion released for private custody.

(d) Any temporary loan of the historic resources to qualified persons or institutions in or out of state.

II. The permittee shall be required under the terms of the permit to preserve, conserve and restore, as necessary, any historic resources, and to catalogue and record as specified by the department.

III. The commissioner shall fairly and equitably allocate and distribute historic resources recovered from a permitted field investigation, provided that:

(a) Custody of isolated finds from the surface of state land, or the bottom of state waters, is granted to the discoverer when these are brought to the division or its designee, for identification and evaluation of context.

(b) Assurances are made that the original discoverer of a previously unrecorded historic resource receive custody of 25 percent of the recovered material from subsequent field investigations of that resource in which he actively participates.

(c) The formula for the division of the recovered materials shall be based on the percentage of private and public capital invested in a permitted field investigation, with the respective state and private shares being determined by the ratio of public to private investment, provided that no less than 25 percent be retained by the state and no more than 75 percent be released for private custody.

(d) The division of the recovered materials shall be made by the drawing of an appropriate number of equal lots by the permittee, with the arrangement into the necessary number of equal lots being the responsibility of the permittee.

IV. Private custody of historic resources shall be governed by a preservation agreement with the state. The preservation agreement shall be in perpetuity unless rescinded or limited to a period of time by the commissioner and shall specify:

(a) The catalogue numbers and descriptions of the historic resources.

(b) The responsibility of the custodian to guard and protect such materials against loss, theft, destruction, damage or deterioration.

(c) A requirement that the materials be available for reasonably convenient study by qualified persons, agencies and institutions.

(d) A provision for the bequest of the materials upon settlement of the estate.

(e) The custodian's liability to obtain written consent from the division for sale, auction, gift or trade of the collection.

(f) That physical possession of such materials shall revert to the state if the commissioner decides that the designated custodian is not properly caring for such materials or is not keeping them available for reasonably convenient study as required.

V. In considering the disposition of the state share of recovered materials:

(a) An appropriate institution for disposition is one with laboratory facilities where recovered objects may be cleaned, restored and preserved, or one willing to contract with another institution for these services, with secure and fire-protected space of sufficient size for orderly storage and protection of objects, records, photographs and other historic resources, and with a staff capable of caring for the material and making it available to qualified persons or institutions upon a recommendation of the commissioner.

(b) The right and privilege of final disposition shall be granted to the municipality of origin when that municipality requests the historic resources through its local museum, library, historical society, school, or other institution which qualifies as an appropriate institution.

(c) Notwithstanding its right and privilege of final disposition, the right and privilege of initial display or use of the historic resources for other public education activities shall be granted the municipality of origin when that municipality, through its local museum, library, historical society, school, or other institution, agrees to provide secure and fire-protected facilities for storage and exhibit.

VI. Human skeletal remains which qualify as historic resources shall be fully documented before final disposition. Documentation shall include, at a minimum: a physical description of the remains (such as age at death, sex, metrical data, and pathologies); age of the burial; and cultural association. Human skeletal remains which are subject to reinterment under the provisions of RSA 289 shall be accordingly interred, but those which are not, including prehistoric remains, may be released for reinterment to those who are able to establish the closest ethnic relationship to the remains.

VII. Appropriate records of all historic resources shall be maintained by the division of historical resources.

227-C:9 Directive for Cooperation in the Protection of Historic Resources.

I. All state agencies, departments, commissions, and institutions

shall fully cooperate with the division in the location, identification, evaluation and management of historic resources, and to that end shall provide the division with appropriate information on all state licensed, assisted, or contracted projects, activities, or programs so that the division may determine the effect of such undertakings on historic resources.

II. Upon a recommendation of the division that historic resources may be adversely affected, the commissioner shall conduct, or cause to be conducted, any necessary field investigations, subject to personnel and budgetary limitations. State agencies, departments, commissions, and institutions are authorized and encouraged to expend project funds or appropriated moneys for these field investigations.

III. When preparing to sell or transfer real property under its jurisdiction which is expected to have historic resources, or is known to have historic resources, the state, its agencies, departments, commissions, institutions and political subdivisions shall, upon a recommendation of the commissioner:

(a) Condition the sale or transfer upon such covenants, deed restrictions, or other contractual arrangements as shall protect the historic resources for future generations.

(b) Reserve such property from sale or transfer, provided that the reservation of such lands from sale or transfer may be confined to the actual location of the historic resources.

(c) Defer sale or transfer of such property for the purpose of conducting field investigations, including salvage mitigation if necessary, and until the lands are released for sale or transfer by the commissioner.

227-C:10 Avocational Archeological Training and Certification. The division shall provide a means for training nonprofessional persons in technical archeological skills and shall acknowledge the achievement of those who have reached prescribed levels of proficiency in various aspects of archeology. The individuals shall be encouraged to participate in field investigations authorized by the commissioner and supervised by the division. Certification is not to be misconstrued as an authorization to collect or excavate without a permit.

227-C:11 Confidentiality of Archeological Site Location Information. Information which may identify the location of any archeological site on state land, or under state waters, shall be treated with confidentiality so as to protect the resource from unauthorized field investigations and vandalism. Toward this end, state agencies, departments, commissions, institutions and political subdivisions, permittees and private landowners with preservation and conservation agreements shall consult with the commissioner before any disclosure of information to insure that the disclosure would not create a risk to the historic resource or that it is done in a manner to minimize the risk. Such information is

exempt from all laws providing rights to public access. Disclosure for the public record for tax assessment, transfer, sale or other consideration of the property shall receive careful consideration to minimize the risk to the resource.

227-C:12 Exemptions and Limitations.

I. Notwithstanding any provision of this subdivision to the contrary, any person who, prior to the effective date of this subdivision, has acquired historic resources from state lands or waters, which include items commonly known as antiques, may continue to possess or market such items as antiques.

II. Treasure hunting with metal detectors and dowsing rods is exempted from the restrictions of this subdivision on the following lands owned or controlled by the state, its agencies, departments, commissions, and institutions, unless an historic resource on such land has been recorded and restrictions are posted:

- (a) Beaches;
- (b) Athletic fields;
- (c) School grounds;
- (d) Perimeters of cemeteries;
- (e) Unpaved roads;
- (f) Within 25 feet of picnic tables and park pavilions; and
- (g) Currently used dumps.

III. No power is conferred by this subdivision upon any official, commission, or other agency of state or local government to close any body of water or portion thereof, or access thereto, on a temporary or permanent basis, to recreational diving, recreational or commercial fishing, scallop dragging, recreational or commercial boating, or lobstering.

IV. Paper documents; photographic positives and negatives; microforms, including microfilms, microfiche, microcard, and microprint; and reel to reel, cassette, or cartridge tape recordings and magnetic tapes of information storage which qualify as historic resources under RSA 227-C:1, VII, other than documentation of a field investigation, are exempt from the provisions of RSA 227-C. The responsibility to preserve, arrange, index, and allow access to these historic resources shall remain with the department of state, division of records management and archives.

Historical Resources Council

227-C:13 Establishment of a State Historical Resources Council. There is hereby established a state historical resources council which shall be the only state historical resources council. The membership of the council shall consist of the governor, or his designee; the director of historical resources, who shall be non-voting members; and 9 members of the public appointed by the governor and council, at least 3 of whom shall be qualified in the field of architecture, history and archeology; and the others shall be qualified in other fields including, but not limited to, law, real estate, planning, architectural history and historic preservation. The public members shall serve a term of 5 years; however, on the

initial appointment, 3 shall be appointed for 2 years, 2 appointed for 3 years, 2 appointed for 4 years, and 2 appointed for 5 years. Each shall serve until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term.

227-C:14 Powers and Duties of the Council. The council shall have the power and duty to:

I. Approve nominations to the national register of historic places.

II. Review and recommend the approval of the state survey of historic properties undertaken in accordance with the provisions of this chapter.

III. Review and approve the contents of the state historic preservation plan developed pursuant to the provisions of this chapter.

IV. Review and recommend application by the division for federal and other available funds.

V. Review and recommend the removal of properties from the national register.

VI. Otherwise act in an advisory capacity to the division of historical resources.

VII. Administer all federal funds received for historic preservation.

227-C:15 Organization. The council shall elect a chairman and vice-chairman and establish such rules of procedure as it deems necessary.

227-C:16 Expenses. All members of the council shall serve without compensation but may receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the council.

State Historical Records Advisory Board

227-C:17 State Historical Records Advisory Board Established. There is hereby established the state historical records advisory board composed of the state archivist who shall be chairman of the state historical records advisory board and at least 7 members to be appointed by the governor and council. The term of office for each of the appointed members shall be for 3 years, except that the first members to be appointed shall be appointed for staggered terms. Each member shall hold office until his successor is appointed and qualified. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term.

227-C:18 Qualifications. A majority of the appointed members of the board shall be persons of recognized professional qualifications and experienced in the administration of historical records or in a field of research which makes extensive use of such records. The composition of the board shall be as broadly representative as possible of the public and private archival and research institutions and organizations of the state.

227-C:19 Compensation. The members of the state historical records advisory board shall serve without compensation, but shall be reimbursed for their reasonable expenses

incurred in the performance of their duties under this subdivision.

227-C:20 Duties. The state historical records advisory board shall serve as a central advisory body for historical records and for planning projects developed and carried out under the program in the state and in compliance with the national historical records and publications commission. The board may:

I. Sponsor surveys regarding the condition and needs of historical records in the state.

II. Solicit and develop plans for historical records projects.

III. Review and make recommendations regarding historical records projects proposed by institutions in the state.

IV. Develop and revise state plans for historical records projects according to established priorities.

V. Review the operation and progress of approved historical records projects in the state financed by the national historical records and publications commission through the board.

227-C:21 Cooperation with Other Bodies. The state historical records advisory board is authorized to cooperate with cities, towns, private groups and institutions in the state and with agencies of state government, with respect to matters of interest in collecting and preserving historical records.

Penalty

227-C:22 Penalties.

I. Any person who, with the purpose of defrauding anyone or with the knowledge that he is facilitating a fraud to be perpetrated by anyone, makes or alters any object so that it appears to have value because of antiquity, rarity, source or authorship which it does not possess, shall be guilty of a misdemeanor and shall forfeit to the state the equivalent in dollars of profits made by the sale of the fraudulent objects.

II. Notwithstanding the provisions of RSA title LXII, any person who knowingly appropriates, excavates, sells, purchases, exchanges, offers for sale, transports, receives, destroys, or in any manner alters any historic resource located on state land, under state waters, or removed from same, except in the course of activities pursued under the authority of a permit or preservation agreement, or as exempted in RSA 227-C:12, shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment for a period not to exceed 6 months, or both; shall forfeit to the state all materials appropriated; and shall reimburse the state for restoration of a defaced or destroyed property.

5 Contingency.

I. If HB 26 of the 1985 regular session of the general court, "An Act establishing a department of libraries, arts and historical resources," becomes law, then section one of this act shall not take effect and section 4 of this act shall take

effect on the date the department of libraries, arts and historical resources becomes operational. If HB 26 does not become law during the 1985 regular session of the general court, then section one of this act shall take effect July 1, 1985, and section 4 of this act shall not take effect.

II. Sections 2 and 3 of this act shall take effect on the date that either section 1 or section 4 take effect.

6 Administration of State Historical Records Advisory Board. Nothing in this act shall be construed as transferring the administrative responsibility for the state historical records advisory board to the historic preservation office or to the department of libraries, arts and historical resources. The division of records management and archives, department of state shall retain all administrative responsibility relating to the state historical records advisory board.

7 Effective Date.

I. Sections 5, 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as set forth in section 5 of this act.

HCR 11, requesting New Hampshire's congressional delegation to introduce and support legislation amending the regulatory powers of the Federal Energy Regulatory Commission. Ought to Pass with Amendment.

This resolution requests the New Hampshire Congressional Delegation to amend the FERC Regulations to eliminate the preemptive powers whereby a developer of a hydro project can avoid compliance with state and local regulations, and the power of eminent domain granted to a developer to take private property. Also HCR 11 asks that states be given greater control projects lying within its borders and that the state have full control over development of projects of less than 300 kw capacity. Vote 12-1. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, the federal government has encouraged hydropower generators by granting favorable tax incentives and by preempting state licensing of hydropower construction and operation; and

Whereas, the authority to license hydropower dams is vested solely in the Federal Energy Regulatory Commission, to the exclusion of other state and federal agencies; and

Whereas, the Federal Energy Regulatory Commission has not always sufficiently weighed the environmental, aesthetic, and recreational impacts of small hydropower projects, including the cumulative effects of multiple dams in river basins; and

Whereas, the intent of the Public Utilities Regulatory Policies Act and the

Energy Security Act was to encourage power production at existing dams; and

Whereas, the state of New Hampshire has guaranteed by statute that producers of electricity by hydropower shall have a market for their product at a favorable price; and

Whereas, hydropower development has received sufficient incentives and encouragement from other governmental entities; and

Whereas, the legislative dam management review committee has found that the Federal Energy Regulatory Commission's regulations and other federal incentives have been used by some entities to speculate in hydropower development sites, contrary to Congress' legislative intent; and

Whereas, this state possesses the ability to develop and implement a program to regulate the development and operation of small hydropower projects, balanced with the environmental, aesthetic, and recreational needs of New Hampshire's citizens; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the Federal Energy Regulatory Commission's regulations be amended to eliminate:

I. The provisions whereby a single developer is given exclusive right to a hydropower site after a preliminary permit has been granted by the commission to study the economic and technical feasibility of the project (18 C.F.R. sec. 4.80 et seq. (1980)).

II. The right of eminent domain granted to a developer to take property necessary to construct or reconstruct a hydropower site (16 U.S.C.A. sec. 814).

III. The preemptive powers of the federal government which permit developers to avoid compliance with state and local regulation.

IV. The Federal Energy Regulatory Commission's jurisdiction over hydropower projects with generating capacities less than 500 kw, and return the authority over these projects to states which have adopted comprehensive river protection and development plans; and

That the Federal Energy Regulatory Commission's authority be amended to provide each state with veto power over any hydropower development or redevelopment within its borders; and

That the Federal Power Act be amended to require that the Federal Energy Regulatory Commission consider the cumulative impacts of multiple dams in river basins when licensing hydropower projects, and to require that other state and federal natural resource agencies be given greater roles in the licensing of hydropower projects; and

That Congress should take steps to end the speculative abuse of the hydropower licensing process, and to limit the favorable tax and other economic incentives to the developers of existing dams; and

That copies of this resolution be forwarded to the President of the United States, the chairman of the Federal Energy Regulatory Commission, and to each member of the New Hampshire congressional delegation.

HB 769, relative to solar energy. Ought to Pass with Amendment.

This allows a person to obtain easements from his neighbors to guarantee him unobstructed access to the sun's rays. These easements are obtained or given voluntarily. The bill also prescribes minimum warranties for solar collectors and solar energy systems. Vote 8-0. Rep. Roland A. Frechette for Science and Technology.

Amendment

Amend RSA 358-L:2 and 358-L:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

358-L:2 Rulemaking; Express Warranty.

I. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to an express warranty for the sale and installation of solar energy equipment in this state.

II. Provisions for required express warranties shall, at a minimum, include the following:

(a) A 5 year manufacturer's express warranty against defects in materials or manufacture of solar collectors;

(b) A one year warranty against failure of a system based on solar energy, when the failure is the result of improper installation; and

(c) Those implied warranties established under RSA 382-A:2-314 and RSA 382-A:2-315.

358-L:3 Penalty. Any person who does not provide a purchaser of solar energy equipment with a minimum warranty as required in rules adopted by the attorney general shall be in violation of RSA 358-A.

Amend RSA 477:49, IV as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

IV. "Solar skyspace easement" means a limitation, whether or not stated in the form of a restrictive easement, covenant, or condition, in any deed or other instrument executed by or on behalf of the landowner described in the deed or instrument creating and preserving a right to unobstructed access to solar energy; provided, however, the easement shall be exempt from the frontage and area requirements of local zoning ordinances.

HCR 12, requesting the United States Postal Service to issue a commemorative bicentennial stamp. Ought to Pass.

The Committee felt this was an excellent idea for New Hampshire to have a commemorative postal stamp, since New Hampshire was the 9th state and the key state to ratify our nation's Constitution, June 1787. Unanimous vote. Rep. Ednapearl F. Parr for State-Federal Relations.

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison. Ought to Pass with Amendment.

This bill establishes a secure psychiatric unit at the New Hampshire State Prison to receive and provide appropriate treatment for persons who require a secure environment. Vote 14-0. Rep. Ralph Parker for State Institutions and Housing.

Amendment

Amend RSA 622:45, I as inserted by section one of the bill by striking out same and inserting thereof the following:

622:45 Commitment. Commitment may occur as follows:

I. Any person subject to an involuntary admission to the state mental health services system pursuant to RSA 135-B may at any time be transferred to the unit upon a determination that the person would present a serious likelihood of danger to himself or to others if admitted to or retained in a receiving facility in the state mental health services system. The admission to the unit may be ordered by:

(a) A probate court pursuant to RSA 135-B:26-41; or

(b) An administrator of a designated receiving facility to which a person has been involuntarily admitted pursuant to an involuntary emergency hospitalization or an involuntary admission.

Amend the bill by striking out all after section 14 and inserting in place thereof the following:

15 Transition; Secure Psychiatric Unit Personnel. Notwithstanding any other provision of law, the following shall govern the establishment of classified positions and the employment of personnel in the secure psychiatric unit: on July 1, 1985, all of the classified personnel positions assigned to the forensic unit at the New Hampshire hospital shall be transferred to the department of corrections. If fewer than 85 positions are transferred, there shall be created new classified personnel positions sufficient to make the total number of positions 85. The commissioner shall determine the title and job description for each of the classified personnel positions in accordance with the rules of the department of personnel. The director of personnel, department of personnel, shall allocate those positions to the appropriate class and salary grade within the personnel system. The classified employees who, on September 1, 1985, occupy the positions which will be transferred to the secure psychiatric unit shall be entitled to apply for the new positions. The commissioner shall employ as many of those classified personnel who apply for positions in the secure psychiatric unit as possible, giving due consideration to each applicant's qualifications and suitability for each position available, prior to hiring personnel for those positions from anywhere else. Any classified employee who, on September 1, 1985, occupies any position which will be transferred with the secure psychiatric unit and who either does not

apply or is not hired for a position in the new unit shall have all of the rights specified in the rules of the department of personnel including the rights under Per 308.05 relative to "bumping" rights. The new positions shall become effective on March 1, 1986, or when the secure psychiatric unit opens at the new site, whichever occurs first.

16 Effective Date.

I. Section 14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1985.

HB 638, permitting the state, counties and municipalities to contract with private entities for the construction, operation, supervision and maintenance of government-operated facilities. Ought to Pass with Amendment.

The bill, as amended, allows counties and municipalities to contract with private entities for the construction of government operated facilities. Vote 14-0. Rep. Ralph Parker for State Institutions and Housing.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

permitting the state, counties and municipalities to contract with private entities for the construction of government-operated facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 County Buildings and Institutions; Contracts with Private Entities. Amend RSA 23:3 (supp) as amended by striking out said section and inserting in place thereof the following:

23:3 Buildings and Institutions.

I. Every county shall have suitable courthouses, houses of correction, and other buildings necessary for its uses, and suitable offices to insure protection of the records of the register of deeds, the register of probate, and the clerk of court from fire, theft, water and the elements.

II. Notwithstanding any other provision of law, the county commissioners, with the approval of the county convention, may vote to enter into a written contract with a private entity for the construction of a county-operated facility. Such contract may be on a turnkey project basis. Any contracts relating to county facilities under this section shall be by competitive bidding; provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote, a copy of such action shall be recorded in their offices with a statement of the reason therefor, and such record shall be open to public inspection. Any contract relating to a county facility under this section shall be

ratified by a majority vote of the county convention and the executive committee of the county convention.

III. The provisions of RSA 155-A shall apply to all buildings constructed by private entities under this section.

IV. For the purposes of this section, a "turnkey project" is one in which a government entity contracts with a single private firm for the design, construction, and equipment supply of a government-operated building institution or facility.

2 Municipalities. Amend RSA 31 by inserting after section 3 the following new section:

31:3-a Contracts With Private Entities.

I. Notwithstanding any other provision of law, the town selectmen, city councilors, or board of aldermen of a municipality may, with the approval of the appropriate local legislative body, vote to enter into a written contract with a private person, corporation, partnership, or association for the construction of any municipally operated facility. Such contract may be on a turnkey project basis. Any contracts relating to municipal facilities under this section shall be by competitive bidding; provided that the selectmen, councilors, or aldermen may, by unanimous vote, waive the provisions for such bidding. In case the selectmen, councilors or aldermen so vote, a copy of such action shall be recorded in their offices with a statement of the reason therefor, and such record shall be open to public inspection. Any contract relating to a municipal facility under this section shall be ratified by a majority vote of the appropriate local legislative body.

II. The provisions of RSA 155-A shall apply to all buildings constructed by private entities under this section.

III. For purposes of this section, a "turnkey project" is one in which a government entity contracts with a single private firm for the design, construction, and equipment supply of a government-operated facility.

3 State Contracts With Private Entities. Amend RSA 4 by inserting after section 43 the following new subdivision:

Contracts With Private Entities

4:44 Contracts With Private Entities.

I. Notwithstanding any other provision of law, the governor, with the approval of council, may enter into a written contract with a private person, corporation, partnership or association for the construction of any state facility. Such contract may be on a turnkey project basis.

II. The provisions of RSA 155-A shall apply to all buildings constructed by private entities under this section.

III. For the purposes of this section, a "turnkey project" is one in which a government entity contracts with a single private firm for the design, construction, and equipment supply of a government-operated facility.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 656, regulating rent increases in manufactured housing parks. Inexpedient to Legislate.

The Committee has heard to date three bills concerning the problems with manufactured housing parks. It is the feeling of the Committee that these bills all basically relate to problems with zoning. If the people living in the mobile home parks had more options for placement of their mobile homes, the need for this type of legislation would probably be lessened. We recommend that the Committee on Municipal and County Government work to address such problems as it studies House Bill 336. Vote 12-1. Rep. Ronald R. Laurion for State Institutions and Housing.

HB 744-FN, consolidating the mental health laws. Ought to Pass with Amendment. This bill, as amended, is in effect a substitute for the original, and turns most of the concerns over to a study committee appointed by the Governor. There are a few new provisions that were added to the amendment at the request of the Division of Mental Health and they were unanimously agreed upon. Vote 12-0. Rep. Ronald R. Laurion for State Institutions and Housing.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to community mental health center fees, emergency hospitalization, and certain rulemaking authority.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees. Amend RSA 126-B:9 (supp) as inserted by 1965, 185:1 as amended by striking out said section and inserting in place thereof the following:

126-B:9 Uniform Fees. The director of mental health and developmental services shall adopt rules pursuant to RSA 541-A relative to a uniform schedule of fees, for services supported by funds granted by or provided under contract with the division, taking into account ability to pay. All community mental health programs to which a grant is made under RSA 126-B shall charge all recipients of these services the fees as determined by the director, provided that no one shall be excluded from receiving services because of race, color, religion or inability to pay.

2 Rulemaking. Amend RSA 126-B:11 (supp) as inserted by 1965, 185:1 as amended by striking out said section and inserting in place thereof the following:

126-B:11 Duties of Director of Mental Health and Developmental Services. In addition to other powers and duties, the director of the division of mental health and developmental services shall:

I. Adopt rules pursuant to RSA 541-A relative to services supported by funds granted by or provided under contract with the division, including but not limited to:

(a) Eligibility of community mental health programs to receive state grants.

(b) Sites, staffing levels, and quality of treatment and services.

(c) Fiscal controls and procedures.

II. Evaluate local programs and make recommendations regarding those programs to the board of directors.

III. Provide consultative staff service to communities to assist in ascertaining local needs, and in planning and establishing community mental health programs.

IV. Prepare and administer the state plan for comprehensive mental health services in accordance with federal laws applicable to community mental health centers.

3 Definition Change. Amend RSA 135-B:2, XIV (supp) as inserted by 1973, 556:1 as amended by striking out said paragraph and inserting in place thereof the following:

XIV. "Psychiatrist" means a physician who is licensed to practice in New Hampshire, is not related to the patient, and is either board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology, Inc. or its successor organization and, for the purposes of conducting an examination and filing a report under RSA 135-B:32, who is a psychologist certified under RSA 330-A:11.

4 Delivery Determined by Physician. Amend RSA 135-B:21 (supp) as inserted by 1973, 556:1 as amended by striking out said section and inserting in place thereof the following:

135-B:21 Delivery to Receiving Facility. Upon completion of an involuntary emergency hospitalization certificate in accordance with RSA 135-B:20, any law enforcement officer is empowered and directed to take custody of the person to be hospitalized and immediately deliver him to the most appropriate receiving facility as determined by the physician completing the certificate. Upon delivery to the receiving facility of the person sought to be hospitalized, the law enforcement officer shall remain at the facility until the administrator or his designee makes an initial determination that there is documentary evidence of compliance with RSA 135-B:20. If the administrator or his designee determines that there has not been compliance with RSA 135-B:20, the officer shall return such person to the place where he was taken into custody, or in the alternative, if it is obvious to a physician at the facility that such person is in need of involuntary emergency hospitalization, he shall do all things necessary to bring about compliance with RSA 135-B:20.

5 Involuntary Emergency Hospitalization; Transfers; Rulemaking.

Amend RSA 135-B:23, VI (supp) as inserted by 1979, 442:6 by striking out said paragraph and inserting in place thereof the following:

VI. (a) If a receiving facility having custody of an individual pursuant to RSA 135-B:19-25 is not designated for all purposes under RSA 135-B:2, XVI, that facility shall immediately notify the New Hampshire hospital of the need to transfer the hospitalized individual to New Hampshire hospital for any remaining period of involuntary emergency hospitalization for which the receiving facility has not been designated. New Hampshire hospital shall arrange transportation of the hospitalized individual within 24 hours of such notice and shall receive such individual for the remaining period of involuntary emergency hospitalization under RSA 135-B:19-25.

(b) A receiving facility may transfer a person admitted under RSA 135-B:19-25 to another receiving facility if that receiving facility can better provide the degree of security and treatment required for the person. All transfers shall receive the prior approval of the director or his designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

6 New Section. Amend RSA 135-B by inserting after section 38 the following new section:

135-B:38-a Involuntary Admission; Transfers. A receiving facility to which a person is ordered for involuntary admission pursuant to RSA 135-B:26-41 may transfer the person to another receiving facility if the receiving facility to which the person is to be transferred can better provide the degree of security and treatment required by the person. All transfers shall require the prior approval of the director or his designee. The director shall adopt rules, pursuant to RSA 541-A, relative to transfer criteria and procedures for the challenge of transfer decisions by the persons so transferred.

7 Committee Established. There is hereby established a committee to study the draft prepared by legislative services relative to consolidating the mental health laws and such other matters relative to statutory changes necessary to restructure the state mental health system as the committee deems appropriate. The members of the committee shall be:

I. 2 members of the house of representatives appointed by the speaker of the house.

II. 2 members of the senate appointed by the president of the senate.

III. One member appointed by the governor.

IV. The director of mental health and developmental services or his designee.

V. 5 members appointed by the governor from among the provider community, consumers, and family members of mentally ill persons.

8 Report. The committee established in section 8 of this act shall prepare a report with recommendations on or before January 1, 1986. The committee shall submit this report to the speaker of the house and the

president of the senate on or before January 1, 1986.

9 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

HB 745, granting administrative authority to the director of the division of mental health and developmental services to carry out the statutory purposes of the division. Inexpedient to Legislate.

The sponsor requested Inexpedient to Legislate. This bill will be incorporated in House Bill 744. Vote 13-0. Rep. Bernard J. Raynowska for State Institutions and Housing.

HB 766, relative to juvenile detention procedures. Ought to Pass with Amendment. This bill allows the Director of the Division of Children and Youth Services to certify previously licensed facilities to receive minors to be detained at the Youth Development Center pending a hearing that the minor is delinquent. Vote 14-0. Rep. Ralph Parker for State Institutions and Housing.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Licensed Facilities. Amend RSA 169-B:11, III (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

III. If the court determines that continued detention is required, based upon the criteria specified under RSA 169-B:14, I, (e)(2), it may order continued detention at a police station, jail, or any facility certified for the detention of minors by the director of the division for children and youth services; provided, that any minor so detained shall not be placed in a facility in which the minor can come into contact with an adult charged, convicted or committed for a criminal offense.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Hearing Time Requirement Lengthened. Amend RSA 170-H:10 (supp) as inserted by 1983, 416:27 by inserting in line 3 after the number "10" the following (working) so that said section as amended shall read as follows:

170-H:10 Parole Revocation. Any delinquent returned to a secure facility under the provisions of RSA 170-H:8 shall be entitled to a hearing before the board within 10 working days. The parolee shall have the right to appear and be heard at this hearing. If the board, after a hearing, finds that the parolee has violated the conditions of parole or violated the law and in its judgment should be recommitted to the custody of the administrator, the board shall revoke his parole. An offender whose

parole is revoked shall be recommitted to the custody of the administrator.

HB1 2008, relating to the New Hampshire state hospital. Refer for Interim Study. This bill is a vehicle to study policy concerning the future of the facilities at the New Hampshire State Hospital. Vote 14-0. Rep. Barbara E. Arnold for State Institutions and Housing.

SB 69, relative to the termination of tenancies in manufactured housing parks. Ought to Pass.

This is an "agreed bill" between all parties involved in landlord-tenant mobile park eviction issues. Vote 11-0. Rep. Sara M. Townsend for State Institutions and Housing.

HB 493-FN, relative to aircraft registration. Ought to Pass with Amendment. The Committee felt that this bill which makes it unlawful for a nonresident to own or authorize the operation of a civil aircraft based at a New Hampshire airport for more than 90 days cumulatively in one registration year which does not have an effective airworthiness certificate, a state registration certificate, and for which the aircraft operating fee has not been paid was in the best interest of aviation in New Hampshire. Vote 12-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Residents. Amend RSA 422:34, I-a (supp) as inserted by 1983, 116:3 by striking out said paragraph and inserting in place thereof the following:

I-a. For any resident to own or authorize the operation of any civil aircraft owned by him which does not have a currently effective New Hampshire state registration certificate, and for which the aircraft operating fee has not been paid.

2 Nonresidents. Amend RSA 422:34 by inserting after paragraph I-a the following new paragraph:

I-b. For any nonresident to own or authorize the operation of any civil aircraft owned by him and located in New Hampshire for more than 90 days cumulatively during a registration year, which does not have a currently effective New Hampshire state registration certificate, and for which the aircraft operating fee has not been paid.

3 Registration. Amend RSA 422:33, V as amended by striking out said paragraph and inserting in place thereof the following:

V. The registration of an aircraft which is owned by a nonresident of this state who is lawfully entitled to operate such aircraft in the state, district or country of his residence, provided that said state, district or country grants like privileges to residents of this state, and that such an operation does not constitute

an act of air commerce, and provided that said aircraft is not located in this state more than 90 days cumulatively each registration year.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds. Ought to Pass.

This bill makes a few changes in the present schedule of diesel fees and the manner of collection. It also changes the penalty arrangement for failure to file users reports. Under the bill the maximum board for a fuel distribution is increased from \$200,000 to \$500,000. There is no increase in the fees for diesel automobile operation. Vote 11-0. Rep. Irvin H. Gordon for Transportation.

Referred to Appropriations.

COMMITTEE REPORTS (Regular Calendar)

HB 775, relative to child abuse. Ought to Pass with Amendment.

This bill allows for video taped depositions of children in criminal cases in lieu of court testimony. The Committee believes this will ease the trauma on child victims. Also, the bill toughens penalties for certain offenses against children. Vote 16-0. Rep. Rick Newman for Children, Youth and Elderly Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Videotaped Depositions for Certain Children. Amend RSA 517 by inserting after section 13 the following new section:

517:13-a Videotaped Deposition Authorized.

I. In any criminal case, any party may move to take a videotaped deposition of any witness, including the victim, who was under 16 years of age at the time of the alleged offense. The court shall grant an order authorizing a videotaped deposition if it finds by a preponderance of the evidence that:

(a) The child will suffer emotional or mental strain if required to testify in open court; or

(b) Further delay will seriously impair the child's ability to recall and relate the facts of the alleged offense.

II. A videotaped deposition taken pursuant to this section shall be conducted before the judge or court appointed master, at such a place as ordered by the court, in the presence of the prosecutors, the defendant and his attorneys, and such other persons as the court allows. Examination

and cross-examination of the child shall proceed in the same manner as permitted at trial. Such deposition shall be admissible into evidence at trial in lieu of any other testimony by the child.

III. Unless otherwise ordered by the court for good cause shown, no victim or witness whose deposition is taken pursuant to this section shall be required to appear or testify at trial.

IV. The supreme court shall adopt any rules necessary to implement the provisions of this section.

2 Sexual Contact; Felonious Sexual Assault. Amend RSA 632-A:3 (supp) as inserted by 1975, 302:1 as amended by striking out said section and inserting in place thereof the following:

632-A:3 Felonious Sexual Assault. A person is guilty of a class B felony if he:

I. Subjects a person to sexual contact and causes serious personal injury to the victim under any of the circumstances named in RSA 632-A:2; or

II. Engages in sexual penetration with a person other than his legal spouse who is 13 years of age or older and under 16 years of age; or

III. Engages in sexual contact with a person other than his legal spouse who is under 13 years of age.

3 Misdemeanor Sexual Assault; Adults. Amend RSA 632-A:4 (supp) as inserted by 1975, 302:1 by striking out said section and inserting in place thereof the following:

632-A:4 Sexual Assault. A person is guilty of a misdemeanor if he subjects another person who is 13 years of age or older to sexual contact under any of the circumstances named in RSA 632-A:2.

4 Extended Term of Imprisonment. Amend RSA 651:6, I(c) as inserted by 1971, 518:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(e) He has committed a felony involving the use of force against a person with the intention of taking advantage of the victim's age or physical handicap; or

(f) He has committed or attempted to commit any of the crimes defined in RSA 631 or 632-A against a person under 13 years of age.

5 Length of Term. Amend RSA 651:6, II(c) as inserted by 1973, 370:3 by striking out said subparagraph and inserting in place thereof the following:

(c) Murder, life imprisonment;

(d) A third offense under RSA 632-A:2 or 632-A:3, life imprisonment; or

(e) A class A felony under RSA 632-A:2, XI and a subsequent separate offense under RSA 632-A:2, XI, a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole.

6 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.
Ordered to third reading.

HB 428, relative to mortgage home loans. Majority: Ought to Pass with Amendment. Minority: Refer for Interim Study.

MAJORITY: The bill provides for the licensing of mortgage companies and others issuing mortgages. It in no way restricts the sale of mortgages in the secondary market, nor does it restrict the type of mortgage or payment plan which may be mutually agreeable to lender and buyer. Section 12, Roman numeral VI is deleted by Committee vote of 12-3. Rep. Eric N. Lindblade for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill goes far beyond the original objective of the Attorney General and Bank Commissioner. Its effect upon many individuals and businesses such as realtors, developers and home builders is not clear. It gives the Bank Commissioner the power to examine the book and activities of such organizations at his discretion. (Reps. Lawrence J. Guay, William A. Varkas, Lucille T. Wood for the Minority of Commerce, Small Business and Consumer Affairs.)

Amendment

Amend RSA 398-A:1-a, I as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

I. No person shall engage in the business of mortgage loans unless he or his broker, agent or other representative first obtains a license as provided herein, except when the person lending money is the seller of the real estate upon which the mortgage is to be taken as security. A person shall not be deemed to be in the business of mortgage home loans if he makes or negotiates not more than 4 mortgage loans in a calendar year.

Amend RSA 398-A:3 as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

398-A:3 Effect of Failure to Specify Interest Rate. If any note secured by a mortgage and any such mortgage, in the case of loans other than open-end loans, does not, among its provisions, specify as separate items the principal sums, the rate of interest, the period of the loan and the periodic due dates, if any, of principal and interest or, in the case of open-end loans, if such mortgage does not, among its provisions, specify as separate items the maximum amount of credit available, the rate of interest, the selected payment, or its manner of determination, and the related period or periods of repayment and the monthly or periodic due dates, then the lender shall have no right to collect interest.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 License Application; Commissioner's Investigation. Amend RSA 398-A:1-a, IV as inserted by 1967, 258:3 by striking out said paragraph and inserting in place thereof the following:

IV. Upon the filing of such application and the payment of said fee, the commissioner shall investigate the facts, including, but not limited to, a comparison of the amount of interest, as that term is used in RSA 398-A:2, IV, to be imposed by the applicant with those generally charged by other lenders in the community in which the business of the applicant is to be conducted, and if he shall find (a) the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and fairly within the purposes of this chapter; and that (b) the applicant has available for use in such business at the location specified in the application at least \$25,000, or has such amount available, or actually invested in loans made under this chapter, and that (c) allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall enter an order approving such application and deliver a license to the applicant for a period which shall expire the December 31 following the date of its issuance. Each license shall state the name and address of the licensee and shall be posted in the licensee's place of business. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other trade name unless he shall have a separate license therefor. If the commissioner shall not so find, he shall enter an order denying such application and immediately notify the applicant of the denial, returning the license fee. Before the corporate or trade name under which the licensed business is conducted is changed, the licensee shall give notice to the commissioner who shall amend the license accordingly without cost.

12 Revocation. Amend RSA 398-A:1-b as inserted by 1967, 258:3 by striking out said section and inserting in place thereof the following:

398-A:1-b Revocation. The commissioner may, upon notice and hearing, revoke a license if satisfied that the licensee has violated any provisions of this chapter, or that the licensee does not meet the standards established in RSA 398-A:1-a, IV.

13 Exemptions. Amend RSA 398-A:10 as inserted by 1967, 258:7 by striking out said section and inserting in place thereof the following:

398-A:10 Exemptions.

I. Nothing contained in this chapter shall be deemed to have any effect whatever upon the existing powers of any banking institution, savings bank, federal savings and loan association, or insurance company or other financial institution which is subject to any other law of this state or of the United States regulating the power of such institution to engage in mortgage loan transactions, or upon the conditions and limitations imposed by any such law upon the exercise of such powers.

II. Nothing in this chapter shall be deemed to limit any type of mortgage or

repayment plan, except as they may conflict with the provisions of this chapter.

15 Effective Date. This act shall take effect 60 days after its passage.

Rep. Guay moved that the report of the Minority, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Lindblade, Bonnie Packard and Quimby spoke against the motion and yielded to questions.

Reps. Martin and Beverly Gage spoke in favor of the motion.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 128 NAYS 209

YEAS 128

BELKNAP: Brough, Matthew Locke, Pearson and James J. White.

CARROLL: Ashnault, Gene Chandler, Dickinson and Hounsell.

CHESHIRE: Burley, Crane, Irvin Gordon, Elmer Johnson, Morse, Parker, Perry, Thompson and Young.

COOS: Brideau, Brungot, Coulombe, Guay, Ottolini, Theriault and York.

GRAFTON: Blair, Duggan, Easton, McAvoy, Scanlan, Stewart, Wadsworth and Ward.

HILLSBOROUGH: Beaupre, Bridgewater, Burkush, Chagnon, Clancy, William Dion, Donovan, Duperron, Dupont, Durant, Clyde Eaton, Fried, Gagnon, Scott Green, Hendrick, Herod, Humphrey, Chris Jacobson, George Jones, Knight, Labombarde, Levesque, Martin, Howard Mason, McGlynn, Morrisette, Pappas, Paquette, Paradis, Pariseau, Reardon, Frances Riley, Ellen-Ann Robinson, Leonard Smith, Steiner, Mary Sullivan, Sylvia, Turgeon, Wagner, Emma Wheeler and Lucille Wood.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Hager, Mary Holmes, Jelley, Kidder, Nichols, Phelps, Roberts and Gerald R. Smith.

ROCKINGHAM: Ames, Case, Lawrence Chase, Felch, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, McCain, Benjamin Moore, Newman, Parr, Pevear, Raynowska, Schwaner, Simon, Sloan, Sytek, Vartanian, Warburton and Welch.

STRAFFORD: Bernard, Chamberlin, Donnelly, Hussey, Kincaid, Bruce Packard, Francis Robinson, Spear and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Domini, Ingram, Paul Johnson and Normandin.

NAYS 209

BELKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Randall and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Davis, Delano, Daniel Eaton, Frink, Grodin, Miller, Ramsay, Russell, Schwartz, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Lamontagne, Marsh and Mayhew.

GRAFTON: Bean, Bennett, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Hutchings, Wayne King, LaMott, Mann, Taffe, Howard Townsend, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Bernier, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Cote, Cox, Cronin, Ducharme, Duprey, Dwyer, Dykstra, Joseph Eaton, Nancy Ford, Grip, Marian Harrington, Healy, Holden, Hyman, Jasper, Lown, Lozeau, McCue, Messier, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Parmenter, Perham, Prestipino, Raiche, Sallada, Shriver, Stonner, Tamposi, Van Loan, Vanderlosk, Geraldine Watson, Harold Watson, Kenneth Wheeler, Frank Whitemore, Winn, Worthen and Zis.

MERRIMACK: Bardsley, Bowes, Cailler, Connolly, Daniell, Glibreth, Gross, Hayes, Alf Jacobson, C. William Johnson, Kinhan, Lewis, Arthur Locke, Millard, Pannell, Pantzer, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Wallner and West.

ROCKINGHAM: Bangs, Benton, Blanchard, Patti Blanchette, Burdick, Butler, Marilyn Campbell, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Flanagan, Hollingworth, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McKinney, Palumbo, Pantelakos, Popov, Quimby, Norman Rogers, Rosencrantz, Sanderson, Scamman, Seward, Skinner, Sochalski, Splaine, Stachowske, Vaughn and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Burton, Callahan, Diamant, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frew, Robert Jones, Keans, Lussier, Meader, O'Brien, Parks, Pelley, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Dismard, Lindblade, McKee, Meghan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Committee amendment adopted.

Ordered to third reading.

HB 674, relative to interest rates on overdue utility bills. Inexpedient to Legislate.

This bill seemed to be a special interest bill, as it only was to affect the water rates in one town. Vote 14-0. Rep. Edward J. Allgeyer for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 732, relative to insurance coverage for services of persons licensed under RSA 330-A. Majority: Ought to Pass. Minority: Refer for Interim Study.

MAJORITY: This bill provides for accident and health coverage provided by persons licensed as certified social workers. Persons enrolled in health plans will be provided an additional choice of health professionals. Vote 8-7. Rep. Toni Pappas for Commerce, Small Business and Consumer Affairs. MINORITY: This complex piece of legislation with substantial policy changes and significant implications with regard to consumer cost was heard on Wednesday, March 27 and executive session on Thursday, March 28 with barely 10 minutes of discussion. At the hearing, the bill's sponsor indicated that he was happy with the bill going to interim study to determine the bill's full impact on consumers and because of this statement, testimony was limited. Such a split vote should never be cause "for such a major policy change." (Rep. Vincent J. Palumbo for the Minority of Commerce, Small Business and Consumer Affairs.)

Ordered to third reading.

Rep. Kinhan abstained from voting under Rule 16.

HB 686, relative to information required on birth, marriage and death certificates. Majority: Ought to Pass with Amendment. Minority: Refer for Interim Study.

MAJORITY: The Committee feels the information provided in this bill will make available necessary information to the citizens of this state with reference to heritage, cultural and legal considerations. Vote 7-3. Rep. Frances L. Riley for Constitutional and Statutory Revision.

MINORITY: The issues presented by this bill are very complex. Resistance by the State Register of Vital Statistics and city and town clerks needs to be addressed. The fiscal impact on this bill is undeterminable and violated by the amendment. Accurate records must be kept. An efficient bill is needed to completely rectify the inconsistencies currently found. A full interim study is recommended. (Reps. George E. Gordon, Matthew J. Locke, Mary J. Shriver for the Minority of Constitutional and Statutory Revision.)

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Supplemental Information. Amend RSA 126 by inserting after section 2 the following new section:

126:2-a Supplemental Information. If the registrar of vital statistics for the state has on file a record, statistic, or information relative to a birth, marriage, divorce, or death occurring prior to 1933, the registrar shall accept any supplemental information offered by any person relative to the person who is the subject of that particular birth, marriage, divorce, or death. The registrar shall maintain and preserve such supplemental information on a separate record which shall be attached to the original record. The person offering the supplemental information shall be identified on and shall sign the supplemental information record. This section shall not be construed to authorize the alteration of any original record maintained by the registrar.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 687, relative to campaign financing. Ought to Pass with Amendment.

This is the first bill of its kind in the nation that encourages volunteer campaign expenditures. It will make it possible to carry out the American tradition that anyone who is qualified can run for public office. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. In amending the New Hampshire political expenditures and contributions law, RSA 664, the General Court finds:

I. Campaign expenditures for state executive and legislative offices have steadily increased with every election. As a result, a greater proportion of a candidate's campaign time is spent raising money; personal wealth becomes more important in running a competitive campaign; and mass media marketing and advertising techniques overshadow direct voter contact and the free exchange of ideas between voters and candidates.

II. This legislation is designed to protect the right of the citizens of New Hampshire to a fully representative, responsive form of self-government. The legislature finds that spiraling campaign expenditures prevent the free implementation of such a right by discouraging persons from seeking office, by discouraging individual interaction between candidates and voters, thus reducing individual participation in

the political process, and by making it harder for a candidate to run a competitive campaign.

III. The state has a compelling interest in encouraging potential candidates to run for office and in having those races be competitive to ensure greater and more effective representation of the people of the state of New Hampshire. Reasonable political campaign budgets allow a candidate to spend thousands of hours meeting with individuals rather than thousands of hours meeting the ever increasing demand for campaign funding. A candidate who meets with individuals learns the first-hand view of his or her community. The candidate must constantly test his or her views and ideas against differing points of view and new ideas. This interaction often leads the candidate to someone ready to challenge what may have been considered a well-reasoned position.

IV. Unimpeded access to the ballot is crucial to the realization of the constitutional guarantee of a representative form of government. The philosophical basis for democracy is the equal opportunity to participate. Greater participation increases effective representation, preserving the political power guaranteed to the people by the constitution. Expenditure limitations will allow greater ballot access, freer competition of ideas through individual speech and interaction, and more competitive campaigns. The general court finds that these objectives can be accomplished best by campaign expenditure limitations.

V. The seriousness of the peril to this crucial right affecting the underpinnings of state government and the failure of other less stringent means of reform compel the general court to conclude that only reasonable expenditure limitations can restore New Hampshire to the electoral process of self-government contemplated by the constitution.

2 Increasing Filing Fees. Amend RSA 655:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:19 Filing Fees. Unless he submits primary petitions as provided in RSA 655:20, at the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees:

I. For the offices of governor, United States senator, and representative to Congress, \$5,000.

II. For the office of executive counselor, \$500.

III. For the office of state senator, \$10.

IV. For the county offices, \$10.

V. For the office of state representative, \$2.

3 Waiving Filing Fee. Amend RSA 655 by inserting after section 19 the following new section:

655:19-a Waiver of Filing Fee.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA 664:5-a, voluntarily accepts

the expenditure limitation set forth in RSA 664:5-b shall have the filing fee either waived or refunded, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he filed the declaration of candidacy, the filing fee shall be waived. If such affidavit is filed within 10 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

4 Indigent Candidates. Amend RSA 655:20 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:20 Primary Petitions. Any person otherwise qualified to run for office who is unable to pay the filing fee as prescribed in RSA 665:19 by reason of indigency may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy.

5 Increasing Petitions Required. Amend RSA 655:22 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United State's senator, 1,000; for representative in congress, 500; for executive counselor, county officer, and state senator, 200; for state representative, 50. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

6 Applicability. Amend RSA 664:1 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:14-17, shall additionally apply to city, town, school district and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, and excess campaign contributions, RSA 664:4-c, shall additionally apply to elections for United States senator and representative to Congress.

7 Additional Definitions. Amend RSA 664:2 by inserting after paragraph X the following new paragraphs:

XI. "Immediate family" means a candidate's spouse and any child, parent, grandparent, brother, or sister of the candidate and the spouses of such persons.

XII. "Independent expenditures" means any expenditure made on behalf of a candidate by any person or entity except the candidate, his committee or committees, his political party, or his immediately family.

8 Prohibited Contributions. Amend RSA 664:4, V (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

V. By any person if made:

(a) In excess of \$5,000 in value, except for contributions to a candidate which are limited by RSA 664:4-b.

(b) Anonymously or under a name not that of the donor;

(c) In the guise of a loan;

(d) In any other manner

concealed; or

(e) Without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

9 Political Contributions. Amend RSA 664 by inserting after section 4-a the following new sections:

664:4-b Limitations on Political Contributions.

I. No natural person shall make contributions to a candidate in an aggregate amount greater than \$1,000.

II. No entity other than a political party shall make contributions to a candidate in an aggregate amount greater than \$5,000.

III. A candidate shall be exempt from the above limitations in making contributions to his own campaign.

IV. A contribution by a dependent minor shall be reported in the name of the minor, but shall be counted as part of the aggregate contribution of the minor's parent or guardian.

V. Any candidate who receives in the aggregate more than \$1,000 from any natural person shall be required to return the excess over \$1,000 to such person. If the contributor cannot be found, the excess over the contribution limit shall be paid to the secretary of state who shall cause any such payments to be deposited in the general fund.

VI. Any candidate who receives in the aggregate more than \$5,000 from any entity other than a political party shall be required to return the excess over \$5,000 to such entity. If the contributor cannot be found, the excess over the contribution limit shall be paid to the secretary of state who shall cause any such payments to be deposited in the general fund.

664:4-c Excess Campaign Contributions.

I. Any candidate who, pursuant to RSA 664:5-a, voluntarily agreed to abide by expenditure limitations may receive and accept contributions in excess of the applicable limitations set forth in RSA 664:5-b, provided that such excess contributions shall be no greater than the following amounts:

(a) For the office of governor, United States senator, and representative to Congress, \$5,000;

(b) For the office of executive councilor, \$2,000; and

(c) For the office of state senator, county offices, and the office of state representative, \$500.

II. Any candidate as provided in paragraph I shall forthwith return to the contributor any contribution which would make that candidate's excess contributions greater than those amounts listed in paragraph I. No such candidate shall expend or otherwise use any excess contributions until after the general or special election.

III. Campaign contributions received in excess of the candidate's expenditure limit shall not be used for personal expenses or transferred to any other candidate.

IV. Such excess contributions may be used after a general or special election for fund raising activities and any other politically related activity sponsored by the candidate.

10 Voluntary Limit on Campaign Expenditures. Amend RSA 664 by inserting after section 5 the following new sections:

664:5-a Limitations on Political Expenditures.

I. Any candidate may voluntarily agree to limit his campaign expenditures and those of his committee or committees, his party, and his immediate family on his behalf by filing an affidavit with the secretary of state.

II. The affidavit shall state that the candidate knows the voluntary expenditure limitations as set out in RSA 664:5-b and that he is voluntarily agreeing to limit his expenditures and those made on his behalf by his committee or committees, his party, and his immediate family to the amount set by law. The affidavit shall further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of his candidacy and that the candidate will return to the contributor any contribution which would make the candidate's receipts exceed the expenditure limitation by more than the following amounts:

(a) For the office of governor, United States senator, and representative to Congress, \$5,000;

(b) For the office of executive councilor, \$2,000; and

(c) For the office of state senator, county offices, and the office of state representative, \$500.

The affidavit shall be sworn and subscribed to by the candidate and notarized.

III. Affidavits in compliance with this section shall be filed within 10 days after the date on which a candidate files his declaration of candidacy or is declared a write-in winner of a primary election.

664:5-b Political Expenditure Limitation Amounts.

I. The total expenditures by a candidate who voluntarily limits his campaign expenditures, including expenditures made on his behalf by his committee or committees, his political party, and his immediate family, shall not exceed the amounts listed in paragraph II.

II. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

(a) For governor and United States senator:

(1) \$200,000 in a state primary election.

(2) \$200,000 in a state general election.

(b) For representative to Congress:

(1) \$100,000 in a state primary election.

general election. (2) \$100,000 in a state
 (c) For executive council:
 primary election. (1) \$15,000 in a state
 (2) \$15,000 in a state
 general election. (d) For state senate:
 primary election. (1) \$5,000 in a state
 (2) \$5,000 in a state
 general election. (e) For representative to the
 general court and all county offices, based
 upon the latest figures filed with the
 secretary of state:
 (1) \$.20 per registered
 voter in the district or the county in a
 state primary election.
 (2) \$.20 per registered
 voter in the district or the county in a
 state general election.

11 New Penalty. Amend RSA 664:21
 (supp) as inserted by 1979, 436:1 by
 striking out said section and inserting in
 place thereof the following:

664:21 Penalty.

I. Subject to the provisions of
 paragraph II, any person who violates any
 provision of this chapter shall be guilty of
 a misdemeanor if a natural person or be
 guilty of a felony if any other person.

II. In addition to the penalties
 provided in paragraph I, any candidate who
 voluntarily agrees to limit campaign
 expenditures as provided in RSA 664:5-a, and
 who exceeds the total political expenditure
 limitation as provided in RSA 664:5-a and
 5-b in running for any office in either a
 state primary or state general election, or
 both, shall be guilty of a class A felony.

III. Nothing herein shall be
 construed to limit the power of the attorney
 general to issue a cease and desist order
 under RSA 664:18.

12 Effective Date. This act shall take
 effect January 1, 1986.

Amendment adopted.

Rep. Flanagan explained the Committee
 report.

Ordered to third reading.

HB 645, relative to discretionary
 easements under RSA 79-A. Majority:
 Inexpedient to Legislate. Minority: Ought
 to Pass.

MAJORITY: This bill reverses the 1979
 change in the Current Use Law. Land in
 discretionary easement will permit the
 owner to make any use he wishes without
 having to pay the use change penalty
 provided he waits at least 10 years.
 This is not in keeping with the long
 term intent of the Current Use Law.
 Vote 9-4. Rep. Elizabeth A. Greene for
 Environment and Agriculture.
 MINORITY: The minority of the Committee
 believes that by allowing the
 negotiating of discretionary easements
 for a minimum of 10 years on all land,
 that it will be possible to guarantee
 that land will remain in open space for
 the duration of the easement. This is

permissive legislation and can be
 negotiated on a local basis and will not
 cost the state a thing. (Reps. Elmer L.
 Johnson, Merle W. Schotanus, Frank
 Whittemore for the Minority of
 Environment and Agriculture.)

Rep. Elmer Johnson moved that the report
 of the Minority, Ought to Pass, be
 substituted for the report of the Majority,
 Inexpedient to Legislate, and spoke to his
 motion.

Reps. Howard Townsend and Marilyn
 Campbell spoke against the motion.

Rep. Elmer Johnson spoke a second time
 in favor of his motion.

Rep. Elizabeth Greene spoke against the
 motion.

Rep. Carragher moved the previous
 question. Sufficiently seconded. Adopted.
 On a voice vote the motion lost.
 Resolution adopted.

HB 756, relative to the hazardous waste
 cleanup fund. Ought to Pass with Amendment.
 The Committee feels this bill is an
 example of appropriate use of the
 hazardous waste fund. It is not
 referred to interim study with the other
 hazardous waste bills because it gives
 an opportunity to educate people to the
 importance of this part of the hazardous
 waste problem. Warrant articles offered
 in 1986 will emphasize this. Vote
 16-2. Rep. Elizabeth A. Greene for
 Environment and Agriculture.

Amendment

Amend RSA 147-B:6, I-a as inserted by
 section one of the bill by striking out same
 and inserting in place thereof the following:

I-a. The fund may be used for
 conducting office-approved household
 hazardous waste cleanup projects throughout
 the state. Expenditures from the fund for
 such projects shall be matched on a
 dollar-for-dollar basis by municipalities or
 by other local or regional entities in
 accordance with rules adopted by the office
 under RSA 147-B:7, III. It shall be a
 purpose of such assistance to enable local
 and regional entities to educate the public
 in the importance of the proper management
 of household wastes which have hazardous or
 toxic qualities. Programs which receive
 funding shall include in their proposal a
 significant public education component. To
 encourage such programs, the office shall
 prepare a suggested warrant article which
 local governmental entities may use to
 secure the local funding component.

Amend RSA 147-B:7, III(d) as inserted by
 section 3 of the bill by striking out same
 and inserting in place thereof the following:

(d) Criteria under which such
 projects shall be conducted, including, but
 not limited to, the financial, contractual,
 safety, and educational requirements for
 such projects.

Amend the bill by striking out section 4
 and inserting in place thereof the following:

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Elizabeth Greene explained the Committee report.

Ordered to third reading.

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas. Ought to Pass with Amendment. The Committee believes that this legislation is a necessary and positive measure to attain Environmental Protection Agency's ambient air quality standards in Nashua. Although a more expansive statewide emission control program was considered more effective, it was agreed that HB 802 is a responsible position and addresses the immediate problem of improving the air quality in Nashua, hence, avoiding future discretionary sanctions by the Environmental Protection Agency on 7 counties. Vote 14-1. Rep. Patricia J. Donovan for Environment and Agriculture.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Program. The commissioner of the department of safety in conjunction with the director of the air resources agency shall implement a program of motor vehicle emissions inspection in Hillsborough and Rockingham counties. The program shall apply only to vehicles upon transfer of ownership or first registration in New Hampshire.

Amend paragraph VIII of section 2 of the bill by striking out same and inserting in place thereof the following:

VIII. "Referee" means a person designated by the division to verify the accuracy of emissions inspections performed by emissions inspection stations and to grant emissions waivers.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Emissions Inspection Required. The director shall by rule designate a date no later than September 30, 1987, after which, except as otherwise provided in section 4 of this act and in addition to any other requirements for the registration of motor vehicles, the division shall not issue a first certificate of registration or transfer the ownership of a private passenger vehicle which is to be registered to a person whose primary residence address is within Hillsborough county or Rockingham county unless the owner presents a valid emissions certificate or a valid emissions waiver with his application for registration or transfer.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Sales of Nonconforming Vehicles; Revocation. Notwithstanding any contrary provisions of law, a motor vehicle contract of sale effected in Hillsborough county or Rockingham county for a motor vehicle required to have an emissions inspection under section 3 of this act may be voided by the buyer if the vehicle fails to pass, within 7 days from the date of such sale, the emissions inspection required by section 3, provided that the defects which are the reasons for failure to issue an emissions certificate were not caused by the abusive or negligent use of the vehicle or by damage resulting from an accident or collision occurring after the date of sale, and further provided that the cost of repairs necessary to permit the issuance of an emissions certificate exceeds 10 percent of the purchase price of the vehicle or \$300, whichever is less. In order to void a motor vehicle sale under this section the buyer shall, within 10 days from the date of sale, notify the seller of his intention to do so; shall deliver the motor vehicle to the seller in substantially the same condition as of the time of sale; shall provide the seller with a notarized statement signed by an emissions inspection station stating why the vehicle failed to pass the emissions inspection; and shall provide an estimate of the cost of necessary repairs. The buyer shall then be entitled to a refund of his purchase price unless the buyer and seller agree in writing that the seller may make the necessary repairs at his own cost and expense within a reasonable period of time thereafter, whereupon the sale is not voided, but is reinstated. This section shall apply only to motor vehicles purchased for the immediate personal or family use of the buyer.

Amend paragraph IV of section 11 of the bill by striking out same and inserting in place thereof the following:

IV. On or before the beginning of the regular session of the 1986 general court and on or before January 1 of each odd-numbered year, the commissioner of safety shall present to the governor and the legislature a request for an appropriation in the next state budget for the support of the program including revenue estimates based on the fees expected to be received from the authorization of emissions inspection stations, referees and the sale of emissions certificates. Upon the establishment of an appropriation in the state budget, or no later than September 30, 1987, whichever is sooner, the authority provided in paragraph II shall expire.

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted.

Rep. Donovan spoke in favor of the Committee report and yielded to questions.

A division was requested.

183 members having voted in the affirmative and 75 in the negative the report was adopted.

Ordered to third reading.

Reps. Ames and Welch notified the Clerk that they wished to be recorded against HB 802.

HB 694, relative to welfare changes. Ought to Pass with Amendment.

This bill is crucial for the continuation of day-to-day operations of the Department of Health and Human Services. This bill is needed so that its programs can continue to function. Vote 14-4. Rep. Scott E. Green for Health and Human Services.

Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Federal Changes Regarding Eligibility Incorporated. Amend RSA 167:6, V as inserted by 1969, 451:4 as amended by striking out said paragraph and inserting in place thereof the following:

V. For purposes hereof, a person shall be eligible for aid to families with dependent children who is a needy child 17 years of age or under or 18 years of age, a full-time student in a secondary school as defined by the director of the division of human services, and reasonably expected to complete the program before reaching 19 years of age; who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent; and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, first cousin, nephew or niece, uncle, or aunt in a place of residence in the state maintained by one or more of such relatives as his or their home. For purposes of this section, a child who meets the above requirements shall be eligible, even if the child was removed from the home of a relative as a result of a judicial determination and was placed in a foster home and care, when the care and placement of the child are the responsibility of the division of welfare or another public agency which meets federal requirements and the state plan, and when the child received or would have been eligible to receive aid to families with dependent children within 6 months of the month in the month in which court proceedings were initiated except that such a child need not have lived with a specified relative. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to the permanently and totally disabled.

Amendment adopted.

Referred to Appropriations.

HB 719-FN, relative to shelter assistance for recipients of aid to families with dependent children. Inexpedient to Legislate.

The Committee majority felt that the intent of supporting housing assistance for Aid to Families with Dependent Children was more appropriately addressed in previous legislation. Vote 15-4. Rep. Harold M. Worthen for Health and Human Services.

Resolution adopted.

HB 597, relative to the right of employees to freely decide whether to support labor organizations. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Majority felt that our democracy works because all of us abide by the will of the majority. The strength of our society is the result of living by majority rule. We cannot allow a discontented minority to disrupt peaceful management, labor relations in the state of New Hampshire and that HB 597, the so-called "Right-to-Work" bill be inexpedient to Legislate. On most counts the New Hampshire economy outperforms those of the 21 states that have passed Right-to-Work laws. Employment in New Hampshire grew 23.1% from 1980 to 1983 exceeding that of 16 of those states. Per capita income in New Hampshire was \$11,620 higher than 15 of those states. New Hampshire poverty is 4th lowest in the country. Only one Right-to-Work state does better than New Hampshire. In terms of wages it shows that Right-to-Work laws actually mean right-to-work for 14% less. Our state does not need a measure such as this to impede its economic growth and decent work environment. Jobs are plentiful, unemployment low, wages good, profits for management are equitable, labor management relations effective. Vote 9-5. Rep. Wilfred Burkush for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: This bill is very simple. It reaffirms a worker's right to join a union and it adds a worker's right to refrain from joining a union; a right which never should have been denied. It reaffirms a worker's right to bargain collectively.

Under current New Hampshire law, no one can be forced not to join a union, but workers can be forced to join a union. This bill eliminates this existing inconsistency.

Labor unions are private organizations. Unions are not governmental bodies.

They should not have the same power to tax that government has. No other private organization in America is able to force unwilling members into supporting it.

Labor organizations have a service to sell. If the service is good, people will buy it. If the service is marginal or poor, labor organizations should not have the power to force people to buy it. Statistics from the twenty-one states with such laws show that a state's economy, unions, and workers are positively affected by such laws.

The law's application is prospective in nature; it would not affect existing contracts, but would apply to renewals or extensions of such contracts as well as new contracts entered into after the effective date.

The issue here is personal freedom - the right to join or not join a union. This country was built on such fundamental rights as free choice. (Reps. Irene J. Shepard, Avis B. Nichols, Stanley R. Vanderloek, David A. Young, Roland O. Beaupre for the Minority of Labor, Industrial and Rehabilitative Services.)

Rep. Shepard moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Skinner, Chambers, Warburton and Daniell spoke against the motion.

Reps. John Burns, Young, Lionel Boucher and Dickinson spoke in favor of the motion.

Rep. Newcombe spoke against the motion and yielded to questions.

POINT OF ORDER

Rep. Russell Chase rose on a Point of Order.

Reps. Shriver, Russell Chase and Sytek spoke in favor of the motion.

Reps. Gilbreth, Scamman and Hawkins spoke against the motion.

Rep. James Chandler spoke against the motion and yielded to questions.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 200 NAYS 144

YEAS 200

BELKNAP: Birch, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Holbrook, Jensen, Matthew Locke and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Burley, Davis, Delano, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Ridge, Scranton, Thompson and Young.

COOS: Chappell, Chardon, Frederic Foss and Marsh.

GRAFTON: Bean, Blair, Christy, Driscoll, Duggan, Easton, Mann, McAvoy, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth and Ward.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Beaupre, Lionel Boucher, Bourdon, John Burns, Leslie Burns, Carragher, Chagnon, Chretien, Cox, Ducharme, Duprey, Durant, Clyde Eaton, Fields, Nancy Ford, Fried, Grip, Holden, Humphrey, Hyman, Jasper, George Jones, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard

Mason, McCue, Nute, Paquette, Paradis, Parmenter, Pellow, Perham, Prestipino, Frances Riley, Sallada, Shriver, Leonard Smith, Stonner, Sylvia, Tamposi, Van Loan, Vanderloek, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Bowes, Cailler, Gross, Hayes, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Doris Riley, Roberts, Linwood Rogers, Savaria, Shepard and West.

ROCKINGHAM: Bangs, Benton, Butler, Marilyn Campbell, Lawrence Chase, Clay, Conroy, Day, Ellyson, Emanuelson, Flanagan, Bert Ford, Thomas Gage, Goss, Gourdeau, Haynes, Hoar, Robert Johnson, Kane, Roger King, Longworth, Lovejoy, Mace, Robert Mason, McCain, Benjamin Moore, Parr, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Sytek, Vartanian, Vaughn and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Robert Jones, Keans, Lussier, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Domini, Ingram, Paul Johnson, Mehegan, Rodeschin, Schotanus and Spaulding.

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BELKNAP: Bolduc, Bowler, Dexter, Hawkins, Pearson, Randall and James J. White.

CARROLL: Dickinson.

CHESHIRE: Crane, Daniel Eaton, Frink, Irvin Gordon, Matson, Ramsay, Russell, Schwartz and William Sullivan.

COOS: Brideau, Brungot, Harold Burns, Coulombe, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bennett, Chambers, Copenhaver, Crory, Densmore, Hutchings, Wayne King, LaMott, Walter and Whitcomb.

HILLSBOROUGH: Bernier, Blais, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, Champagne, Charron, Clancy, Cote, Cronin, William Dion, Duperron, Dwyer, Dykstra, Joseph Eaton, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Chris Jacobson, McGlynn, Messier, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Pariseau, Raiche, Reardon, Ellen-Ann Robinson, Mary Sullivan, Turgeon, Winn and Zis.

MERRIMACK: Bardsley, James Chandler, Connolly, Daniell, Gilbreth, Hager, Mary Holmes, Alf Jacobson, Jelley, Kinhan, Rehlander, Gerald R. Smith and Wallner.

ROCKINGHAM: Ames, Blanchard, Patti Blanchette, William Boucher, Burdick, Case,

Connors, Felch, Harry Flanders, Beverly Gage, Elizabeth Greene, Hollingworth, George Katsakiores, Phyllis Katsakiores, Krasker, Magoon, Malcolm, McKinney, Newman, Palumbo, Pantelakos, Pevear, Popov, Quimby, Scamman, Skinner, Sloan, Sochalski, Splaine, Stachowske, Warburton and Welch.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Additional Copies Distributed by Secretary of State. Amend RSA 20:5 as amended by striking out said section and inserting in place thereof the following:

20:5 Manual. The secretary of state, under the direction of the governor and council, shall prepare and cause to be printed a manual for each session of the legislature which follows the November general election, containing such matter as may be useful to the members thereof, and shall determine the style, form, and quantity of such manuals. Manuals shall be distributed without charge as follows: not more than 3 copies to each member of the general court; one copy to the clerk of each city and town; one copy to each member of the congressional delegation; one copy to each public library in the state; one copy to each public and private secondary school library in the state; 5 copies to the governor's office; one copy to each member of the governor's council; 15 copies to the office of legislative services; copies to each state department, agency, board, institution, and to the state library on request; and one copy to each member of the press corps regularly covering the proceedings of the general court. The secretary of state may distribute additional copies of the manual to the persons and bodies listed in this section under such conditions and terms as he deems to be necessary. Copies of the manual not distributed without charge pursuant to this section shall be offered for sale by the secretary of state at a price determined by the governor and council. Revenue derived from sale of manuals shall be deposited in the general fund.

Rep. Chandler explained the amendment.
Amendment adopted.
Ordered to third reading.

HB 670, relative to heart, lung, and cancer disease in firefighters. Inexpedient to Legislate.

HB 670 was felt by the majority of the Committee to be Inexpedient to Legislate as it would include cancer and would change the current prima facie presumption to that of conclusive presumption in the Workers' Compensation Law and would open up a "Pandora's Box" with a tremendous increase in workers compensation rates. Vote 8-7. Rep. Calvin Warburton for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 693, providing minimum occupational health and safety standard for the operation of video display terminals at places of employment. Inexpedient to Legislate.

The majority of the Committee felt that HB 693 should be Inexpedient to Legislate as there is no radiation hazard associated with video display terminals and there is no known biological hazard. Many studies based on extensive scientific data indicate there is no identifiable health or safety basis for legislation or regulations of standards needed at this time. Private industry and the public sector are very much aware of, and actively addressing, any problems that their employees might perceive on this subject. Vote 10-2. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 729, relative to the manual for the general court. Ought to Pass.

This bill permits distribution of additional copies of the Red Book to those persons and groups listed in the present law. At the direction of the Committee, a floor amendment including private and public school libraries in the list will be offered. Vote 14-0. Rep. James A. Chandler for Legislative Administration.

Rep. James Chandler offered an amendment.

HB 707, relative to legislative review of state agencies and programs. Ought to Pass with Amendment.

This bill transforms the present Sunset staff into the office of Legislative Program Review; provides for an independent evaluation of the office in FY 1986; reschedules the Sunset process over an eight-year schedule as opposed to six-year cycle that ends in 1986; and proposes review of programs by entire agencies rather than by separate PAUs as at present. The worth of the Sunset process has been demonstrated by the fact that 176 reviews, 111 led to statutory change. By deletion of proposed sections RSA 17-F:9, II and III, the bill prohibits access to confidential records in any agency. Vote 9-4. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend RSA 17-F:9 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

17-F:9 Access to Records. Every agency, whether or not directly under review, shall cooperate with the office of legislative program review and with the designated standing committees in providing information needed to prepare the reports required by this chapter.

Amendment adopted.
Ordered to third reading.

HB 712, relative to the semi-annual payment of county taxes. Inexpedient to Legislate.

There was testimony on both sides, but arguments in opposition were much more persuasive. Opponents pointed out the bill would penalize those communities which have taken positive steps to manage their cash flow. Vote 16-1. Rep. Richard A. Grodin for Municipal and County Government.

Resolution adopted.

HB 720, relative to county government. Inexpedient to Legislate.

Even though the sponsor of this bill made some good points the Committee felt that it needed more work by the sponsor. Vote 11-6. Rep. Robert B. Goss for Municipal and County Government.

Resolution adopted.

HB 750-FN, relative to electing 5 commissioners in village districts. Inexpedient to Legislate.

Even though the sponsor of this bill made some good points, the Committee felt that interfering with the present system would serve no useful purpose. Vote 11-4. Rep. Kenneth T. Wheeler, Sr. for Municipal and County Government.

Resolution adopted.

HB 778-FN, authorizing cities and towns to borrow for certain planning costs. Ought to Pass.

This bill gives the cities an optional means of financing the planning for future waste to energy resource recovery plants which may eventually become privately owned. Vote 18-2. Rep. Kurt A. Normandin for Municipal and County Government.

Ordered to third reading.

HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems.

Majority: Ought to Pass with Amendment.

Minority: Inexpedient to Legislate.

MAJORITY: The Committee determined, by a 6-2 vote, that it would be wise for New Hampshire to have a coordinate system that is common with the remainder of the country. Rep. Roger L. Easton for Science and Technology.

MINORITY: The existing coordinate system used in New Hampshire is based upon the coordinate system accepted by the federal government in 1927. New Hampshire has never formally accepted the 1927 federal system, but has successfully used it since. The so-called "new" 1983 nomenclature base is unnecessary, as is this bill. Only one state has accepted the 1983 system to date. (Reps. Robert L. Hyman, Richard A. Barberia for the Minority of Science and Technology.)

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Adopting System of Geographic Coordinates. Amend RSA by inserting after chapter one the following new chapter:

CHAPTER 1-A NEW HAMPSHIRE COORDINATE SYSTEM

1-A:1 Definitions. In this chapter:

I. "The New Hampshire coordinate system of 1927", as defined by the former United States Coast and Geodetic Survey, means a transverse mercator projection of the Clarke spheroid of 1866, having a standard meridian at 71°40' along which meridian the scale shall be one part in 30,000 too small. The origin of coordinates is at the intersection of the said meridian 71°40' west of Greenwich and the parallel 42°30' north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet.

II. "The New Hampshire coordinate system of 1983", as defined by the National Ocean Service/National Geodetic Survey, means a transverse mercator projection of the North American datum of 1983, having a standard meridian at 71°40' along which meridian the scale shall be one part in 30,000 too small. The origin of coordinates is at the intersection of the said meridian 71°40' west of Greenwich and the parallel 42°30' north latitude. This origin is given the coordinates: $x = 300,000$ meters and $y = 0$ meters.

1-A:2 Application of Coordinate Systems. The use of the term "New Hampshire coordinate system of 1927" or "New Hampshire coordinate system of 1983" on any map, report of survey, or other document shall be limited to coordinates based on the New Hampshire coordinate system as defined in RSA 1-A:1. The New Hampshire coordinate system of 1927 shall not be used after December 31, 1989. The New Hampshire coordinate system of 1983 shall be the sole coordinate system used on or after January 1, 1990.

1-A:3 Systems of Plane Coordinates. The systems of plane coordinates which have been established by the National Ocean Service/National Geodetic Survey or its successors for defining and stating the geographic positions or locations of points on the surface of the earth within the state of New Hampshire are hereafter to be known

and designated as the New Hampshire coordinate system of 1927 and the New Hampshire coordinate system of 1983.

1-A:4 Plane Coordinate Values. The plane coordinate values for a point on the earth's surface, used to express the geographic position or location of such point in this system, shall consist of 2 distances expressed in United States survey feet and decimals of a foot when using the New Hampshire coordinate system of 1927 and expressed in meters and decimals of a meter and United States survey feet and decimals of a foot when using the New Hampshire coordinate system of 1983. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American Horizontal Geodetic Control Network as published by the National Ocean Service/National Geodetic Survey, or its successors, and whose plane coordinates have been computed on the systems defined in this chapter. Any such station may be used for establishing a survey connection to either New Hampshire coordinate system.

1-A:5 Recording Coordinates. No coordinates based on either the 1927 or 1983 New Hampshire coordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless the licensed land surveyor in charge attaches a certification regarding the beginning coordinate source, distance traversed to establish the final coordinates, and adheres to third-order geodetic surveying procedures or better, in effect at the time of the survey as outlined by the Federal Geodetic Control Committee or its successors.

Rep. Hyman moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Rep. M. Arnold Wight spoke against the motion.

Motion lost.

Amendment adopted.

Ordered to third reading.

HB 791, relative to the small scale power facility tax exemption. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill places all small scale power facilities on the same basis as small hydro-electric facilities. The Committee determined by a 6-1 vote (1 abstention) that this bill should pass. Rep. Kenneth A. Randall for Science and Technology.

MINORITY: The minority feels that tax breaks for cogeneration facilities are not needed for the following reasons; tax exemptions not needed as incentive, negative impact on local property tax, lack of understanding of working of

cogeneration facilities. The minority feels that tax exemptions are not needed as incentive for cogeneration since (a) plants in Hopkinton, Bethlehem and Concord are already successful; (b) great interest all over the state in new plants; (c) highly profitable. Therefore, the minority believes that it should not be subsidizing these high profit businesses at the expense of the property taxpayer. (Reps. Richard A. Barberia, Robert L. Hyman for the Minority of Science and Technology.)

Rep. James Chandler moved that the words, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Rep. Leonard Smith spoke against the motion and yielded to questions.

Reps. Krasker, Hager and Lewis spoke in favor of the motion.

Rep. Randall spoke against the motion. Motion adopted.

HB 791 was Referred for Interim Study.

HB 644, relative to child abuse reporting. Refer for Interim Study.

The Committee realizes that there is currently a serious communication problem relative to child abuse reporting. The Committee is writing the Attorney General's Office and the Division of Children and Youth Services and urging them to develop a protocol to deal with this problem. In the meantime, the Committee will study this bill. Vote 18-0. Rep. Elizabeth Hager for Children, Youth and Elderly Affairs.

Rep. Pantelakos moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, and spoke to her motion.

Reps. Wallner, Hager and Scamman spoke against the motion.

Reps. Lawrence Chase and Clay spoke in favor of the motion.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 97 NAYS 237

YEAS 97

BELKNAP: Birch and Jensen.

CARROLL: None.

CHESHIRE: Crane, Ramsay and Young.

COOS: Coulombe, Guay, Theriault and York.

GRAFTON: Blair, Christy, Easton and Scanlan.

HILLSBOROUGH: Barry, Beaupre, Bernier, Bourdon, Boutwell, Bridgewater, Burkush, John Burns, Charron, Clancy, Cox, William Dion, Ducharme, Duprey, Dwyer, Gagnon, Scott Green, Hendrick, Herod, Chris Jacobson, Lozeau, McGlynn, Morrisette, Pellow, Perham, Raiche, Turgeon, Wagner, Harold Watson and Worthen.

MERRIMACK: Barberia, Bowes, Daniell, Lewis, Roberts and Gerald R. Smith.

ROCKINGHAM: Blanchard, Burdick, Butler, Case, Lawrence Chase, Clay, Connors, Conroy, Ellyson, Felch, Thomas Gage, Courdeau, Hollingworth, Krasker, Longworth, Magoon, McKinney, Benjamin Moore, Newman, Pantelakos, Pevear, Raynowska, Norman Rogers, Sanderson, Schwaner, Sherburne, Splaine, Vaughn and Warburton.

STRAFFORD: Bernard, Burton, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Patricia Foss, Frew, Hussey, Kincaid, Bruce Packard and Pelley.

SULLIVAN: Brodeur, Call, D'Amante, Domini, McKee and Mehegan.

NAYS 237

BELKNAP: Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Burley, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Elmer Johnson, Miller, Morse, Parker, Perry, Ridge, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew and Ottolini.

GRAFTON: Bean, Bennett, Chambers, Copenhaver, Crory, Densmore, Driscoll, Duggan, Hutchings, Wayne King, LaMott, Mann, McAvoy, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Blais, Boisvert, Lionel Boucher, Bourque, Leslie Burns, Carragher, Chagnon, Champagne, Chretien, Cote, Cronin, Donovan, Duperron, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Healy, Holden, Humphrey, Jasper, George Jones, Kelley, Knight, Labombarde, Levesque, Lown, Martin, Howard Mason, McCue, Messier, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Prestipino, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Van Loan, Vanderlosk, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zis.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Cailler, James Chandler, Connolly, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Linwood Rogers, Savaria, Shepard, Wallner and West.

ROCKINGHAM: Ames, Benton, William Boucher, Day, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Goss, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Malcolm, McCain, Palumbo, Parr, Popov, Quimby, Rosencrantz, Scamman, Schmidtchen, Seward, Simon, Skinner, Sloan, Sochalski, Stachowske, Sytek, Vartanian, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Callahan, Edward Flynn, Robert Jones, Keans, Laurion, Lussier, O'Brien, Parks, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Disnard, Ingram, Paul Johnson, Lindblade, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Referred for Interim Study.

HB 553, limiting annual increases in public utility rates or charges for electric service to the rate of inflation in New Hampshire. Inexpedient to Legislate.

HB 553 as well as HB 550, HB 551 and HB 554 were all introduced to modify the rate determination process. The Committee concluded that the best course of action was to combine in some fashion these four House Bills and HB 554 was selected as the most generic one to amend. HB 553 was not selected as appropriate to amend because of its dependence on the consumer price index as a figure of merit for the indexing and control of utility rate increases. Vote 15-0. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

Rep. Pevear moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to her motion.

Reps. Foss and Harold Burns spoke against the motion.

Reps. Easton, Chambers, Crory and Parr spoke in favor of the motion.

Reps. Palumbo and Quimby spoke against the motion and yielded to questions.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

Rep. Krasker requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 134 NAYS 189

YEAS 134

BELKNAP: Bowler, Dexter and Pearson.

CARROLL: None.

CHESHIRE: Burley, Crane, Daniel Eaton, Ramsay, Russell, Schwartz, William Sullivan and Young.

COOS: Brideau, Coulombe, Mayhew, Theriault and York.

GRAFTON: Bennett, Chambers, Copenhaver, Crory, Densmore, Duggan, Easton, Wayne King, Scanlan and Stewart.

HILLSEBOROUGH: Bernier, Blais, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Champagne, Charron, Clancy, Cote, Cronin, William Dion, Donovan, Duperron, Dwyer, Dykstra, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Chris Jacobson, Lown, McCue, McGlynn, Messier, Nelson, Newcombe, O'Rourke, Paquette, Parmenter, Raiche, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Turgeon, Wagner, Frank Whitemore, Winn and Zis.

MERRIMACK: Barberia, Bowes, Daniell, Hager, Alf Jacobson, Lewis, Millard, Pannell, Rehlander, Roberts, Linwood Rogers, Gerald R. Smith and Wallner.

ROCKINGHAM: Blanchard, Burdick, Butler, Case, Lawrence Chase, Clay, Connors, Conroy, Harry Flanders, Thomas Gage, Courdeau, Elizabeth Greene, Hoar, Hollingworth, George Katsakiores, Krasker, Magoon, McKinney, Pantelakos, Parr, Pevear, Popov, Rosencrantz, Sanderson, Schwaner, Sherburne, Splaine and Vaughn.

STRAFFORD: Bernard, Burton, Callahan, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Hussey, Keans, Kincaid, Laurion, O'Brien, Bruce Packard, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, Domini, Ingram, Paul Johnson, McKee, Mehegan, Normandin and Spaulding.

NAYS 189

BELKNAP: Birch, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers, Saunders and Schofield.

CHESHIRE: Davis, Delano, Frink, Irvin Gordon, Elmer Johnson, Miller, Morse, Parker, Perry, Ridge, Scranton and Thompson.

COOS: Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Horton, Lamontagne, Marsh and Ottolini.

GRAFTON: Bean, Christy, Driscoll, Hutchings, LaMott, Mann, McAvoy, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Beaupre, Boisvert, Lionel Boucher, John Burns, Leslie Burns, Carragher, Chagnon, Chretien, Cox, Duprey, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Herod, Holden, Humphrey, Jasper, George Jones, Kelley, Knight, Labombarde, Levesque, Lozeau, Martin, Howard Mason, Murphy, Nute, Pappas, Paradis, Pariseau, Pellow, Perham, Prestipino, Frances Riley, Sallada, Shriver, Steiner, Stonner, Sylvia, Tamposi, Van Loan, Vanderlosk, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, James Chandler, Connolly, Gilbreth, Gross, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Arthur Locke, Nichols, Pantzer, Phelps, Doris Riley, Shepard and West.

ROCKINGHAM: Ames, Benton, William Boucher, Day, Ellyson, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Goss, Haynes, Kane, Phyllis Katsakiores, Roger King, Longworth; Lovejoy, Mace, Malcolm, McCain, Benjamin Moore, Palumbo, Quimby, Raynowska, Norman Rogers, Scamman, Schmidtchen, Seward, Simon, Skinner, Sloan, Sochalski, Stachowske, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Dingle, Patricia Foss, Frew, Robert Jones, Lussier, Parks, Pelley, Francis Robinson, Spear, Ann Torr and Franklin Torr.

SULLIVAN: Disnard, Lindblade, Rodeschin and Sara Townsend, and the motion lost.

Resolution adopted.

HB 554, relative to the fixing of rates by the public utilities commission. Ought to Pass with Amendment.

HB 554 as well as HB 550, HB 551 and HB 553 were all introduced to modify the rate determination process. The Committee concluded that this HB 554 was the optimum bill to amend in order to incorporate rate determination concepts of most concern to the public. The Public Utilities Commission will be authorized in the future to establish a schedule for the implementation of rate increases over a reasonable period of time when the Public Utilities Commission finds that the public interest is financially impacted. Vote 14-0. Rep. Frederic A. Foss for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Scheduled Implementation of Rate Increases. Amend RSA 378 by inserting after section 28 the following new section:

378:28-a Scheduled Implementation of Rate Increases. In fixing and determining permanent rates for a public utility following completion of construction of a major facility which is actually providing service to consumers, the commission may establish, after receipt and consideration of pertinent and material evidence, a schedule for the implementation of rate increases over a reasonable period of time when it finds that the public will be financially impacted by the rate increase.

Amendment adopted.

Rep. Pevear moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass as Amended, and spoke to her motion.

Rep. Foss spoke against the motion and yielded to questions.

Rep. Quimby spoke against the motion.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

Rep. Pevear requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 110 NAYS 213
YEAS 110

BELKNAP: Bowler, Malcolm Harrington and Pearson.

CARROLL: Saunders.

CHESHIRE: Burley, Crane, Daniel Eaton, Russell, Schwartz, William Sullivan and Young.

COOS: Brideau, Mayhew, Ottolini, Theriault and York.

GRAFTON: Chambers, Copenhagen, Densmore, Easton, Wayne King and Taffe.

HILLSBOROUGH: Beaupre, Bernier, Lionel Boucher, Bourque, Bridgewater, Burkush, Champagne, Charron, Clancy, Cote, Cronin, William Dion, Duperron, Dwyer, Dykstra, Clyde Eaton, Gagnon, Scott Green, Hendrick, Chris Jacobson, McCue, McGlynn, Messier, Nelson, O'Rourke, Paquette, Parmenter, Raiche, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Turgeon, Wagner, Frank Whittemore, Winn and Zis.

MERRIMACK: Barberia, Bowes, Daniell, Hager, Alf Jacobson, Millard, Pannell, Rehlander, Linwood Rogers, Gerald R. Smith and Wallner.

ROCKINGHAM: Blanchard, Butler, Case, Lawrence Chase, Connors, Harry Flanders, Thomas Gage, Courdeau, Hoar, Hollingworth, Krasker, Magoon, Pantelakos, Parr, Pevear, Rosencrantz, Sanderson, Schwaner, Sherburne, Splaine and Vaughn.

STRAFFORD: Burton, Callahan, Albert Dionne, Anita Flynn, Edward Flynn, Hussey, Robert Jones, Keans, Laurion, O'Brien, Bruce Packard and Henry Sullivan.

SULLIVAN: Brodeur, Call, Domini, Ingram, Mehegan, Normandin and Spaulding.

NAYS 213

BELKNAP: Birch, Brough, Brown, Richard Campbell, Dexter, Hardy, Hawkins, Holbrook, Jensen, Matthew Locke, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Davis, Delano, Frink, Irvin Gordon, Elmer Johnson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Scranton and Thompson.

COOS: Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne and Marsh.

GRAFTON: Bean, Bennett, Christy, Crory, Driscoll, Duggan, Hutchings, LaMott, Mann, McAvoy, Scanlan, Stewart, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Blais, Boisvert, Bourdon, Boutwell, John Burns, Leslie Burns, Carragher, Chagnon, Chretien, Cox, Donovan, Duprey, Joseph Eaton, Fields, Nancy Ford, Fried, Grip, Marian Harrington, Healy, Herod, Holden, Humphrey, Jasper, George Jones, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, Murphy, Newcombe, Nute, Pappas, Paradis, Pariseau, Pellow, Perham, Prestipino, Frances Riley, Sallada, Shriver, Steiner, Stonner, Sylvia, Tamposi, Van Loan, Vanderlosk, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, James Chandler, Connolly, Gilbreth, Gross, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Nichols, Pantzer, Phelps, Doris Riley, Roberts, Shepard and West.

ROCKINGHAM: Ames, Benton, William Boucher, Burdick, Clay, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Goss, Elizabeth Greene, Haynes, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Malcolm, McCain, McKinney, Benjamin Moore, Palumbo, Popov, Quimby, Raynowska, Norman Rogers, Scamman, Schmidtchen, Seward, Simon, Skinner, Sloan, Sochalski, Stachowske, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Dingle, Donnelly, Patricia Foss, Frew, Kincaid, Lussier, Parks, Pelley, Francis Robinson, Spear, Swope, Ann Torr and Franklin Torr.

SULLIVAN: D'Amante, Disnard, Paul Johnson, Lindblade, Rodeschin and Sara Townsend, and the motion lost.

Rep. Popov notified the Clerk that she inadvertently voted nay and meant to vote yea.

Ordered to third reading.

HB 733, relative to election ballots. Ought to Pass.

The Committee feels strongly that this bill addresses the need for a uniform state-wide ballot that can be used both in voting machines and paper ballots. It is also a clearer and less confusing ballot, thereby, reducing the possibility of a counting error. Vote 10-0. Rep. Dennis H. Fields for Constitutional and Statutory Revision.

Rep. Flanagan offered an amendment.

Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Form of Ballot. Amend RSA 656:5 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:5 Listing Candidates on Ballot.

I. The names of all candidates nominated in accordance with the election laws, shall, as far as possible, be placed in one vertical column. When more than 25 names are to be printed on the ballot, another column or columns may be added in which the names of the additional candidates shall be printed. When 2 or more columns are used, the same number of names, so far as possible, shall be printed in each column, except that the names of candidates for any one office shall not be split into more than one column regardless of number.

II. All candidates for the same office shall be placed on separate lines within a separate box. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames; provided, however, that the candidates of the party which received the largest number of votes at the last preceding state general election shall be listed first for each office. The domicile and the party affiliation of each candidate, if any, shall be printed to the right of his name.

2 Designation of Offices on Ballot. Amend RSA 656:6 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:6 Designation of Office.

I. The office to which the candidates have been nominated shall be printed at the top and on the left side of each box in which are grouped the candidates for the same office, with each box preceded by the word "For", as in "For Governor". To the right of such designation for office shall be printed "Vote for not more than (here insert a number designating how many persons are to be voted for)."

II. In places which are electing representatives to the general court from more than one district, there shall also be printed in small but easily legible letters below the phrase "Vote for not more than (here insert a number designating how many persons are to be voted for)." the county and the number of the representative district for which the person is a candidate, subject to the numerical order required in RSA 656:7-a.

Amend the bill by striking out sections 6, 7, 8, and 9 and inserting in place thereof the following:

6 Amending Form of Primary Ballot.

Amend RSA 656:23 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:23 General Form. The state primary election ballot shall be as nearly as practicable in the same form as the state general election ballot.

7 Amending Straight Party Ticket.

Amend RSA 659:18 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:18 Straight Ticket Voting in State General Elections.

I. The secretary of state shall provide on the general election ballot a space, on the top of the ballot above the party designations and above the column listing the candidates by office, which permits a voter in a state general election to vote a straight party ticket. There shall be printed in the space the following words printed in plain letters: "If you wish to vote a straight ticket for all candidates of any political party, make a cross (X) in the party circle of your choice". There shall be printed in the space provided, below the straight ticket voting instructions, in large, plain letters the names of the political parties which qualify under the provisions of RSA 652:11 by which the candidates were nominated. There shall also be printed in the space provided, below the names of the political parties, the party designations, and below the party designations there shall be printed a circle not less than 3/4 of an inch in diameter.

II. The voter may then vote a straight party ticket by making a cross (X) in the circle below the appropriate party designation. If he votes a straight ticket but desires to vote for one or more individual candidates of a different party, he may vote for the candidate of his choice by making a cross (X) in the square beside the name of such candidate or by writing in the name of the person for whom he desires to vote in the blank for write-in votes, as provided in RSA 656:12.

8 Amending Ballot to be Marked. Amend RSA 659:17 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:17 Marking the Ballot; Split Ticket.

I. The secretary of state shall provide on the top of the general election ballot, above the column listing the candidates by office and below the voting instructions for straight-ticket voting, space for the following voting instructions for split-ticket voting printed in plain letters: "Vote for the candidate of your choice for each office by making a cross (X) in the square at the right of the candidate's name, or by writing in the name of a person in the write-in blank in the space provided".

II. A voter may vote for a candidate in a state general election, or in a state or presidential primary election, by making a cross (X) in the square opposite the name of each candidate for whom he wishes to vote. If he desires to vote for a candidate whose name is not printed on the ballot, he shall write in the name of the person for whom he desires to vote in the space provided for that purpose.

9 Counting Straight Party Votes. Amend RSA 659:66 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:66 Counting Straight Party Vote.

If, in accordance with RSA 659:18, a ballot is marked to indicate a straight party vote, but a cross is in the square beside the name of a candidate of a different party, or the

name of a person is written in in the write-in blank in the space provided, then the vote shall be counted for the individual candidate and shall override the straight party vote.

Rep. Flanagan explained the amendment.
Amendment adopted.
Ordered to third reading.

HB 625, relative to pari-mutuel taxation. Ought to Pass with Amendment. The Committee felt that the relief as amended in this bill is necessary for the survival of dog racing. The added days of racing which are expected from this economic relief will offset the reduction in this tax credit. This is to be reevaluated by June 30, 1987. Vote 14-0. Rep. Dale E. Thompson for Regulated Revenues.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amount of Tax; Credit. Amend RSA 284:23, V (supp) as inserted by 1977, 134:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pool is less than \$100,000 for any program at a dog race or dog race meet, the licensee shall be credited \$225 for each official completed race with that program, the credit to be applied to the tax due as computed under RSA 284:23, II-a; provided, however, that no licensee shall pay a tax less than \$300 for any program.

2 Repeal. RSA 284:23, V relative to the amount of tax credit is hereby repealed.

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect June 30, 1987.

Amendment adopted.

Rep. Kenneth MacDonald offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amount of Tax; Credit. Amend RSA 284:23, V (supp) as inserted by 1977, 134:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pool is less than \$100,000 for any program at a dog race or dog race meet, the licensee shall be credited \$200 for each official completed race with that program, if the pari-mutuel pool is less than \$50,000 for any program at a dog race or dog race meet, the licensee shall be credited \$225 for each official completed race with that program, the credit

to be applied to the tax due as computed under RSA 284:23, II-a; provided, however, that no licensee shall pay a tax less than \$300 for any program.

2 Repeal. RSA 284:23, V relative to the amount of tax credit is hereby repealed.

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 2 of this act shall take effect June 30, 1987.

Rep. Kenneth MacDonald explained the amendment.

Amendment adopted.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. A. Leslie Burns moved that the House reconsider its action whereby it passed HB 597, relative to the right of employees to freely decide whether to support labor organizations.

Rep. James Chandler spoke in favor of the motion.

Reconsideration lost.

Rep. Chardon moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 4 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 505, relative to the office of the ombudsman within the state council on aging.

HB 557, relative to the division for children and youth services and an adoption assistance compact.

HB 654, relative to assault of children under 13 years of age.

HB 735, relative to state initiatives for child support enforcement.

HB 776, relative to the administration of the children's study home.

HB 552, relative to nurse practitioner reimbursement.

HB 554, relative to the fixing of rates by the public utilities commission.

HB 715, relative to group insurance for part-time employees.

HB 742, enabling mutual savings banks to reorganize as mutual holding companies.

HB 755, relative to amendments in the New Hampshire energy code.

HB 733, relative to election ballots.

HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains.

HB 588, requiring school districts to send in an annual report of revenues and

expenditures and repealing the penalty for their failure to make a timely report.

HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor.

HB 519, establishing an acid rain control act.

HBI 2017, relating to selection and certification of sites for new hazardous waste treatment facilities.

HB 627-FN, relative to the emergency medical service coordinating board and limiting liability of persons providing emergency telephone and radio communications.

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court.

HB 673, requiring written notice for the 39-week extension of health insurance benefits.

HB 692-FN, relative to contribution rates for unemployment compensation.

HR 25, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process.

HB 637-FN, regarding changes in the timber tax laws.

HB 716, relative to the land use change tax.

HB 777, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years and to renewal of bond anticipation notes.

HB 625, relative to pari-mutuel taxation.

HB 165, relative to OHRV pilot projects requiring project committees; and limiting the liability of property owners relative to OHRVs and ATVs.

HB 591-FN, requiring the state to underwrite the total expense of fighting forest and brush fires on state owned park or forest land in any town or towns.

HB 657-FN, relative to wetlands protection and enforcement.

HB 705, establishing an approval and certification system for water supply and environmental testing laboratories.

HB 740, recodifying the historic preservation statutes.

HCR 11, requesting New Hampshire's congressional delegation to introduce and support legislation amending the regulatory powers of the Federal Energy Regulatory Commission.

HB 769, relative to solar energy.

HCR 12, requesting the United States Postal Service to issue a commemorative bicentennial stamp.

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison.

HB 638, permitting the state, counties and municipalities to contract with private entities for the construction of government-operated facilities.

HB 744-FN, relative to community mental health center fees, emergency hospitalization, and certain rulemaking authority.

HB 766, relative to juvenile detention procedures.

SB 69, relative to the termination of tenancies in manufactured housing parks.

HB 493-FN, relative to aircraft registration.

HB 775, relative to child abuse.

HB 428, relative to mortgage home loans.

HB 732, relative to insurance coverage for services of persons licensed under RSA 330-A.

HB 687, relative to campaign financing.

HB 756, relative to the hazardous waste cleanup fund.

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas.

HB 597, relative to the right of employees to freely decide whether to support labor organizations.

HB 729, relative to the manual for the general court.

HB 707, relative to legislative review of state agencies and programs.

HB 778-FN, authorizing cities and towns to borrow for certain planning costs.

HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems.

Rep. Chardon moved that the House stand in recess.

Adopted.

The House recessed at 6:25 p.m.

RECESS

(Speaker in the Chair)

Rep. Chardon moved that the House adjourn.

Adopted.

HOUSE JOURNAL 17

Thursday, 4Apr85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty Father, Maundy Thursday is a time of remembering. By Passover Meal and Lord's Supper many of us this day will give thanks for the freedoms we enjoy.

By remembering our history and what our parents have given us let us see as sacred trust our freedom of assembly and right to govern ourselves. May our actions today preserve what we so enjoy. Amen.

Rep. William Boucher led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Nagel, Golden, Reidy, Tufts, Kohl, Elizabeth Moore, Rounds, McKee, Bryant, McGlynn and Francis Robinson, the day, illness.

Reps. Hyman, Titone, William Riley, Stio, Crotty, Norman Packard, William Sullivan, Hussey, Duprey, Michael Jones, Benjamin Moore, B. P. Smith, Wells, Simon and Pellow, the day, important business.

Rep. Musler, the day, illness in the family.

GUESTS

Geraldine Marsh, wife of Rep. Marsh; Carolyn Whitlock and Linda Therous of the Merrimack School Board.

SENATE MESSEGES CONCURRENCE

HB 73, preventing cruelty to live vertebrate animals in elementary and secondary school science classes and science fairs.

HCR 5, honoring the New Hampshire state parks' fiftieth anniversary and the first park system director, Russell B. Tobey.

HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 25, recodifying RSA title XL and relocating certain RSA chapters. (Amendment printed SJ 4/3)

Rep. Elizabeth Greene moved that the House concur.
Adopted.

ENROLLED BILLS AMENDMENT

HB 279-FN, relative to a multi-state lotto compact and making an appropriation therefore.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a multi-state lotto compact.

This amendment corrects an inconsistency in the title of the bill as it appears on the cover sheet of the bill and on the first page.

Amendment adopted.

Rep. Chardon moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 663 was removed at the request of Rep. Guay.

HB 462 was removed at the request of Rep. Raynowska.

HBI 2015 and HBI 2016 were removed at the request of Rep. Newman.

HB 504 was removed at the request of Rep. Mary Chambers.

HB 782 was removed at the request of Rep. Bruce Packard.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 357-FN, making an appropriation to the sweepstakes special fund. Inexpedient to Legislate.

Both the sponsor and the Committee agree this bill is not needed since this matter is well taken care of in HB 374-FN. Vote 20-0. Rep. Michael B. King for Appropriations.

HB 374-FN, making a supplemental appropriation to distribute sweepstakes funds received in excess of the original estimate. Ought to Pass with Amendment.

As amended, this bill will distribute all excess sweepstakes revenues received by the State in both FY 1984 and FY 1985 to local school districts on a per pupil basis. Vote 17-3. Rep. Michael B. King for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose. The sums of money appropriated by this act represent the amounts of excess sweepstakes revenues received by the state in fiscal years 1984 and 1985, which were diverted to the general

fund and not appropriated by the legislature for distribution to the school districts, as confirmed by the New Hampshire supreme court in its March 27, 1985, decision on docket number "Merrimack No. 84-557." The sums appropriated by this act shall be paid out to the school districts on a per resident pupil basis similar to the traditional distribution formula of RSA 284:21-j.

2 Appropriation; Fiscal Year 1984 Difference.

I. The sum of \$957,567 is hereby appropriated, to be paid out to the school districts for educational purposes based on average daily membership in residence during the 1981-1982 school year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The state treasurer shall transfer to the general fund as unrestricted revenue the sum of \$530,368.83 from moneys deposited and interest received on such moneys in the sweepstakes fund in the department of education, PAU 06 03 03, educational financial aid to districts.

3 Appropriation; Fiscal Year 1985 Difference. There is hereby appropriated, for the fiscal year ending June 30, 1986, an amount equal to all moneys received by the state treasurer from the sweepstakes commission, and interest received on such moneys, during fiscal year 1985, less the expenses of the sweepstakes commission incident to the administration of RSA 284:21-a through 21-s and RSA 287-E, less any sweepstakes moneys already dedicated for fiscal year 1985 for the purposes of educational financial aid to districts. This sum shall be paid out to the school districts on September 15, 1985, for educational purposes based on average daily membership in residence during the 1982-1983 school year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Expenditure Authorized. A school district may, after public hearing, exceed its annual budget to the extent of funds which the district received or expects to receive from the state as a result of the passage of this act.

5 Effective Date. This act shall take effect upon its passage.

HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor. Ought to Pass with Amendment.

The amendment provides for one instead of two additional pharmacy inspectors; the second additional inspector is already in HB 400. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Pharmacy Inspectors. For the general welfare of the people of the state, there shall be, subject to appropriation, and as the pharmacy board deems otherwise

necessary, no fewer than 3 permanent pharmacy inspector positions within the pharmacy board. In order to accomplish this objective, this act appropriates funds for the addition of one such permanent position.

2 Transfer from other Boards. Amend RSA 318 by inserting after section 9 the following new section:

318:9-a Payment for Inspectional Services. For the purpose of providing inspectional services under this chapter and RSA 318-B:25, the pharmacy board shall enter into separate agreements with the board of registration in medicine, the board of veterinary medicine, the board of podiatry and the board of dental examiners, providing for each such board to compensate the pharmacy board for such inspectional services. The agreements shall provide for payment based upon a per capita charge for each person registered with each such board as a percentage of the total number of persons subject to inspection under this chapter and RSA 318-B:25.

3 Appropriation. In addition to any other funds appropriated, there is hereby appropriated to the pharmacy board the following sums to carry out the purpose of this act:

	Fiscal Year 1986	Fiscal Year 1987
10 Personal Services		
Permanent	\$20,553	\$21,723
60 Benefits	3,906	4,236
70 In-State		
Travel	10,000	10,000
Total	\$34,459	\$35,959

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1985.

HB 460-FN, relative to the board of examiners of psychologists and making an appropriation therefor. Inexpedient to Legislate.

This bill is no longer needed. The additional appropriation required this year is already in HB 268, the supplemental budget. Future appropriations for the administration of examinations are provided for this and other boards and commissions on Page 69 of HB 400. Vote 18-0. Rep. Rowland H. Schmidtchen for Appropriations.

HB 618-FN, relative to distribution of the sweepstakes fund. Inexpedient to Legislate.

The Committee was in sympathy with the intent of the sponsor but felt the best interests of school districts were met by distributing sweeps money annually in September. The allocation is taken care of in Section 17 in HB 400. Vote 19-0. Rep. Andrea A. Scranton for Appropriations.

HB 751-FN, relative to sweepstakes commission budget requests. Inexpedient to Legislate.

The bill as written would give carte blanche to the Sweepstakes Commission to spend any funds in excess of budgeted amounts. The Committee felt it could not allow an amount as yet unknown to be spent at will. Vote 20-0. Rep. Andrea A. Scranton for Appropriations.

HB 792, relative to electing delegates to state party conventions. Ought to Pass with Amendment.

This bill will help alleviate a very big problem with the election of delegates to the State Convention. As it now stands, when there is not any candidate running for delegate many people are written in. Thus, there are many people receiving one vote. The one-vote candidates are then presented to the State party chairman for a decision, thereby circumventing the elective process. The amendment lowers the requirement to 5 votes and specifies write-in votes. Vote 10-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Delegates Elected to State Party Convention. Amend RSA 653:6 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

653:6 Delegates to State Party Conventions.

I. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6.

II. Notwithstanding any other provision of law to the contrary, no person shall be elected as a delegate to a state party convention unless he receives at least 5 votes from the voters of the district in which he is running.

HJR 5, relative to procedures for non-partisan primary elections of town officials. Ought to Pass with Amendment.

HJR 5 is part of the original resolution regarding the ratification of the town meeting of Winchester. Remainder of the bill will come in as a Senate amendment. Vote 8-1, 1 abstention. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

A RESOLUTION

relative to procedures for non-partisan primary elections in the town of Winchester.

Amend the resolution by striking out all after the title and inserting in place thereof the following:

WHEREAS, the votes and proceedings, adopting the so-called Australian ballot system for the election of town officials, taken by the town of Winchester at its March 14, 1933, annual meeting, were ratified by 1933, 330:1, now therefore be it

RESOLVED, by the Senate and House of Representatives in General Court convened: that the ratification by the legislature in 1933 of Winchester's adoption of the so-called Australian ballot system for the election of town officials is hereby declared legalized, ratified and confirmed.

HB 640, merging Merrimack Valley college into the university system of New Hampshire. Ought to Pass with Amendment.

This bill deletes references to Merrimack Valley College as a separate component of the University System of New Hampshire and establishes a college at Manchester as one of the divisions of the University of New Hampshire. Vote 15-0. Rep. Jesse F. Davis for Education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

merging Merrimack Valley college into the university of New Hampshire.

HB 643, adding representatives from postsecondary vocational-technical education to the postsecondary education commission. Ought to Pass.

This action adds two members from the leadership in the Postsecondary Vocational-Technical College and Institute System to the Postsecondary Education Commission. This extends representation on the Postsecondary Education Commission to all eligible educational units in the State. Vote 12-0. Rep. Ralph W. Pearson for Education.

HB 665-FN, relative to the definition of "legal custody" for educational purposes. Ought to Pass.

This bill clears up ambiguities in existing law concerning the "legal custody" definition. This has caused considerable expense and litigation to local school districts in making determinations. Public testimony was unanimously in support of this legislation. Vote 12-0. Rep. Monte D. Rehlander for Education.

HB 364, relative to privileged communications for certified psychologists, pastoral counselors, and social workers. Inexpedient to Legislate.

The subject matter of this bill is contained in HB 709 considered by the Committee on Judiciary. Vote 19-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 414, relative to the purchasing authority of the director, division of plant and property management. Ought to Pass with Amendment.

This bill authorizes the Director, Division of Plant and Property Management, Department of Administrative Services to permit a purchase using the integrated financial system for commodities and services, provided that the purchase does not exceed \$1,000. This bill also creates an exemption for the Sweepstakes Commission from the purchasing provisions of RSA 8. Vote 19-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend RSA 8:25, VII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VII. The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under the competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

HB 443-FN, establishing the division of fleet administration and making an appropriation therefor. Ought to Pass with Amendment.

This bill has merit and deserves extensive study by the committee established in the amendment. The Committee feels that it would be both expensive and undesirable to create a division of fleet administration and engage the services of a director until the oversight committee has made its report and findings known to the legislature. The amendment deletes references to a director and to the creation of such a division. It also eliminates an appropriation of \$100,000. Vote 18-0. Rep. Edward J. Bennett for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the central interagency motorpool study committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Study Committee Established. There is hereby established a study committee to be known as the central interagency motorpool study committee. The members of the committee shall be:

I. 2 members of the house of representatives appointed by the speaker of the house.

II. 2 members of the senate appointed by the president of the senate.

III. 3 members appointed by the governor.

2 Terms. The legislative members shall serve for the balance of their elected terms and the members appointed by the governor shall serve for 2 years until December 1, 1986. The committee shall elect a chairperson, vice chairperson, and clerk from among its members.

3 Duties; Report. The committee shall:

I. Undertake a statewide survey to identify all vehicles owned, leased, or operated by the state for use by any employee of the state.

II. Report to the legislature on the feasibility and costs of establishing a fleet administration. The report shall be based on the committee's survey and shall include the proposals, if any, for appropriate legislation to implement a centralized interagency motorpool. The report shall be submitted no later than December 1, 1986 to the speaker of the house and the president of the senate.

4 Assistance. The central interagency motorpool study committee may require the assistance of any state department, commission, board, agency, or institution in its study and such departments, commissions, boards, agencies, and institutions shall assist the committee whenever it so requests.

5 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Effective Date. This act shall take effect upon its passage.

HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1950-51 school year. Ought to Pass with Amendment.

These teachers should receive the retirement credit that they would have received had they been in service on July 1, 1950. The amendment, as suggested by the sponsor, provides that the teachers shall pay for this credit what they would have paid in 1950 if they had then been in service. Vote 19-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 100-A by inserting after section 4 the following new section:

100-A:4-a Creditable Service for Active Teachers Employed on June 30, 1985.

I. Notwithstanding any provisions of RSA 100, RSA 100-A, or RSA 192 to the contrary, every currently active teacher teaching during the 1984-85 school year who was in service prior to July 1, 1950, but who was not in service on July 1, 1950, and who subsequently reentered service as a teacher after that date, shall be permitted to acquire full credit for all service rendered prior to July 1, 1950, as provided in paragraphs II and III. Such teachers shall be eligible for such benefits as are provided for group I members under this chapter including credit for such prior service as is allowable under paragraphs II and III, as if they had become members of the New Hampshire teacher's retirement system at its inception, and prior to its merger with the retirement system.

II. Every currently active teacher teaching during the 1984-85 school year as set forth in paragraph I whose prior service does not include credit for service as a teacher which he performed between July 1, 1945, and June 30, 1950, shall be permitted to acquire full credit for all service rendered between those dates by filing written notice with the board of trustees between July 1, 1985, and June 30, 1986, and paying the amount, not to exceed \$100 per year, which he would have paid to the former New Hampshire teachers' retirement system, RSA 192, to acquire such credit had he been a member of that predecessor system on July 1, 1950.

III. Every currently active teacher teaching during the 1984-1985 school year as set forth in paragraph I whose prior service does not include credit for service as a teacher which he performed before July 1, 1945, shall receive credit for all service rendered before July 1, 1945, without any payment by the teacher.

2 Appropriation. There is hereby appropriated for the purposes of section 1 of this act, in order to purchase prior service credit, the sum of \$20,000 from the general fund for the fiscal year ending June 30, 1986, and the sum of \$21,000 for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect June 30, 1985.

Referred to Appropriations.

HB 575, relative to administrative procedures and state and local government cooperation. Ought to Pass with Amendment.

This bill requires agencies to give notice to and consult with municipalities which may be affected by an agency decision or issuance of a permit before the agency takes such action. The Committee and sponsors feel that this will foster closer cooperation between the state and its municipalities. Vote 19-0. Rep. Nancy M. Ford for Executive Departments and Administration.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Notice to Municipalities. Amend RSA 541-A by inserting after section 21 the following new section:

541-A:22 Notice to Town or City Clerk. In addition to any other requirements imposed by this chapter, each agency shall give notice by first-class mail to the town or city clerk and shall consult with any municipality which may be affected by a proposed decision or the proposed issuance of any permit for any action within its boundaries prior to the mailing of the decision or the issuance of the permit by the agency.

HB 706-FN, relative to licensing motor vehicle insurance appraisers. Inexpedient to Legislate.

Insurance companies now take care of the issues as to qualifications of adjusters for different types of insurance. They would not get much business if they did not police their own companies. Vote 20-0. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 717-FN, relative to plumbers and plumbing. Inexpedient to Legislate.

The majority of the Committee feels this bill is putting too much control over small communities and causing hardships. It is moving control from a major agency to a licensing board. Vote 15-4. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 731-FN, creating a study committee to review the current regulatory functions of the board of psychologists and to recommend legislation for improvements in the board. Refer for Interim Study.

The Committee felt this should be considered carefully to make sure all information is brought forth. Vote 20-0. Rep. Patricia T. Russell for Executive Departments and Administration.

HB 752, establishing a department of regulated enterprises. Refer for Interim Study.

Part of this subject matter has been addressed in another bill and the Joint Committee on Executive Branch Reorganization will have to hear

additional testimony. Vote 17-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 754-FN, relative to prompt payments by the state. Inexpedient to Legislate. The Committee feels the matter of expediting timely payments by the state should be best left with the Department of Administrative Services and the Office of the Treasurer. The new unified accounting system should result in more timely payments. Allowing time for refinements to the procedure, the Committee does not feel that this legislation is necessary at this time. Vote 19-0. Rep. Jack H. Schofield for Executive Departments and Administration.

HB 454, relative to courtroom security. Ought to Pass with Amendment. This bill makes it a crime to knowingly carry a firearm or other deadly weapon in a courtroom or area used by a court. The amendment specifies that this provision does not apply to officers of the court or law enforcement and court security officers. It also grants arrest authority to court security personnel. Vote 17-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to courtroom security
and arrests.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Carrying of Firearms by Court Security Personnel. Amend RSA 159:5 by inserting in line 3 after the words "law enforcement officers" the following (, or bailiffs and court officers responsible for court security) so that said section as amended shall read as follows:

159:5 Exceptions. The provisions of RSA 159:3 and 4 shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

2 Courtroom Security. Amend RSA 159 by inserting after section 18 the following new section:

159:19 Courtroom Security.

I. With the exception of officers of the court and persons included under RSA 159:5, no person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon his person or within any of his possessions owned or within his control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building.

3 Bailiffs and Court Officers; Powers of Arrest. Amend RSA 594 by inserting after section 1 the following new section:

594:1-a Bailiffs and Court Officers. Bailiffs and court officers responsible for court security shall have the powers of arrest provided in this chapter when performing their duties relating to court security.

4 Judge's Order to Arrest. Amend RSA 594:11 by striking out said section and inserting in place thereof the following:

594:11 Judge's Order to Arrest. Any justice of any court, upon view of a breach of the peace or other transgression of the law proper for his cognizance, or if necessary for the preservation of the peace, may command any officer or other person to arrest, bring before him, and detain the offender, until complaint can be made against him.

5 Effective Date. This act shall take effect January 1, 1986.

HB 490, relative to the pharmacy board and amending the controlled drug act. Ought to Pass with Amendment.

The purpose of HB 490 is to clarify the procedures for licensing of pharmacists, and the powers of responsibilities of the Pharmacy Board. Vote 17-0. Rep. Peter J. Zis for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 318:1 as amended by striking out said section and inserting in place thereof the following:

318:1 Definitions. In this chapter:

I. "Administer" means an act whereby a single dose of a drug is instilled into the body of, applied to the body of, or otherwise given to a person or animal for immediate consumption or use.

II. "At retail" means the dispensing of drugs or medicines pursuant to the order of a physician, dentist or veterinarian, whether or not such drugs or medicines are dispensed for a valuable consideration.

III. "Board", when not otherwise limited, means the New Hampshire pharmacy board.

IV. "Dentist" means a practitioner of dentistry duly registered under the laws of this or some other state.

V. "Dispense" means to distribute, leave with, give away, dispose of, deliver, or sell one or more doses of a drug and shall include the transfer of more than a single dose of a medication from one container to another and the labelling or otherwise identifying a container holding more than a single dose of a drug.

VI. "Drugs", when not otherwise limited, means all substances used as medicines or in the practice of medicine.

VII. "Licensed pharmacist" or "pharmacist", when not otherwise limited, means a person holding a license under RSA 318:18 and who is, therefore, legally authorized to practice the profession of pharmacy in this state.

VIII. "Manufacturer" means a person who, by compounding, mixing, cultivating, growing or other process, produces or prepares legend drugs, but shall not mean a pharmacist who compounds legend drugs to be sold or dispensed on prescription.

IX. "Medicine", when not otherwise limited, means a drug or preparation of drugs in suitable form for use as a curative or remedial substance.

X. "Pharmacist-in-charge" means the pharmacist who registers a pharmacy and who shall be responsible for the practice of pharmacy in and by that pharmacy, including, but not limited to, compliance with all local, state, and federal pharmacy and drug laws, and who shall be responsible for the operation of the pharmacy in the best interests of the public.

XI. "Pharmacy", when not otherwise limited, means the place registered by the board where the profession of pharmacy is practiced and where drugs, chemicals, medicines, prescriptions, or poisons are compounded, dispensed, stored, or retailed.

XII. "Physician" means a practitioner of medicine duly licensed under the laws of this or some other state.

XIII. "Poisons", when not otherwise limited, means any drug, chemical medicine or preparation liable to be destructive to adult human life in quantities of 60 grains or less.

XIV. "Practice of pharmacy" means the professional acts performed by a pharmacist and shall include the interpretation and evaluation of prescription orders; the compounding, dispensing, labelling and distribution of drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage and distribution of drugs and devices, and the proper maintenance of proper records; the responsibility of advising, when necessary or when regulated, of therapeutic values, hazards, and use of drugs and devices; and the offering or performing of these acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy.

XV. "Practitioner" or "licensed practitioner" means any person who is lawfully entitled to prescribe, administer,

dispense or distribute legend drugs to patients.

XVI. "Prescription" means a verbal or written order for drugs, medicines and devices by a licensed practitioner, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy, and to be kept on file for a period of 4 years. Prescriptions may also apply to the finished products dispensed by the licensed pharmacist in the registered pharmacy, on order of a licensed practitioner as defined in this section.

XVII. "Prescription drug", "legend drug", or "potent drug" means a drug which under federal law is required, prior to being dispensed or delivered, to be labelled with either of the following statements:

(a) "caution federal law prohibits dispensing without prescription", or (b) "caution federal law restricts this drug to use by or on the order of the licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners.

XVIII. "Proprietary medicines", when not otherwise limited, means completely compounded nonprescription packaged drugs, medicines and nonbulk chemicals which are sold, offered, promoted, or advertised by the manufacturer or primary distributor thereof under a trademark, trade name or other trade symbol, whether or not registered in the United States Patent Office and the labelling of which conforms to the requirements of the Federal Food, Drug, and Cosmetic Act; provided that this definition shall not include the following:

(a) Drugs which are only advertised and promoted professionally to licensed physicians, dentists or veterinarians.

(b) A narcotic or drug containing a narcotic.

(c) A drug, the label of which bears substantially either the statement "Caution - federal law prohibits dispensing without prescription" or "Warning - may be habit forming".

(d) A drug intended for injection.

XIX. "Supervision" means under the direct charge or direction and does not contemplate any absence of the person responsible for providing such supervision.

XX. "Veterinarian" means a practitioner of veterinary medicine duly registered under the laws of this or some other state.

XXI. "Wholesaler" means a person who supplies or distributes legend drugs that he himself has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers or federal, state or municipal agencies.

2 Board Members; Election. Amend RSA 318:5, 1 as inserted by 1979, 155:12 as amended by striking out said paragraph and inserting in place thereof the following:

1. The board shall have a president, vice-president, secretary, and a treasurer who shall be elected from among their number annually in the month of September.

3 Rulemaking Authority. Amend RSA 318:5-a by inserting after paragraph IV the following new paragraph:

IV-a. The standards for registering pharmacies and licensing pharmacists and the practice of pharmacy;

4 Enforcement. Amend RSA 318:8 as amended by inserting in line 8 after the word "chapter," the following (The members of the board, its inspectors and investigators shall have free access during business hours to all places where drugs, medicines, poisons or hypodermic devices are held, stored, or offered for sale and to all records of sale and disposition of drugs, medicines, hypodermic devices or poisons.) so that said section as amended shall read as follows:

318:8 Enforcement of Law. It shall be the duty of the board, through officials and employees appointed by it or under its supervision for that purpose, and of all peace officers within the state, and of all county attorneys, to enforce all the provisions of this chapter. When so requested, the division of public health services and its officials and employees shall cooperate with the board in collecting and analyzing samples of drugs and medicines sold, or suspected of being sold, in violation of this chapter. The members of the board, its inspectors and investigators shall have free access during business hours to all places where drugs, medicines, poisons or hypodermic devices are held, stored, or offered for sale and to all records of sale and disposition of drugs, medicines, hypodermic devices or poisons.

5 Pharmacists. Amend RSA 318:18 as amended by striking out in line 19 the word "pharmacist" and inserting in place thereof the following (pharmacist or a program which has been approved by the board of pharmacy) so that said section as amended shall read as follows:

318:18 Pharmacists. An applicant for examination and licensure as a pharmacist shall not be less than 18 years of age and of good professional character and temperate habits; shall have graduated with the basic, professional pharmacy baccalaureate degree or pharmacy doctor degree from a school of pharmacy, college of pharmacy, or pharmacy department of a university accredited by the American Council on Pharmaceutical Education and approved by the New Hampshire pharmacy board; shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year internship activity in a community or institutional pharmacy in the United States; and shall pass an examination given by the pharmacy board to establish his or her fitness to practice the profession of pharmacy. The internship required in this section shall be service and experience in a community or institutional pharmacy under the supervision of a licensed pharmacist and shall be predominantly related to the selling of drugs and medical supplies; interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical products; keeping records and making reports required under federal and state statutes; and otherwise practicing pharmacy under the

immediate supervision and direction of a licensed pharmacist or a program which has been approved by the board of pharmacy. The board may deny licensure as a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a felony; a misdemeanor resulting from a violation of a federal, state or local drug or pharmacy-related law, rule, or regulation; or an act involving moral turpitude or gross immorality.

6 Examinations. Amend RSA 318:19 as amended by striking out said section and inserting in place thereof the following:

318:19 Examinations. Applicants for licensure as pharmacists shall, to prove their respective requisite knowledge, be examined to a properly varying degree in pharmacy-related subject areas which may include chemistry, math, pharmacology, pharmacy theory, the practice of pharmacy and pharmacy law, and any other areas as the board may prescribe.

7 Applicants from Other States. Amend RSA 318:21 as amended by striking out in line 3 the word "higher" and inserting in place thereof the following (greater) and inserting in line 6 after the words "New Hampshire" the following (and federal) so that said section as amended shall read as follows:

318:21 Applicants from Other States. The board may license any applicant who is licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or greater than those of this state, and further provided that the applicant successfully completes an examination, developed by the board, for the testing of his knowledge of New Hampshire and federal law relative to the practice of pharmacy.

8 Name Change. Amend RSA 318:26-a as inserted by 1979, 155:21 as amended by striking out in line 5 the amount and word "\$10 fee" and inserting in place thereof the following (reasonable fee as established by the board) so that said section as amended shall read as follows:

318:26-a Change in Name, Employment, or Residence. Any pharmacist who changes his name, place or status of employment, or residence shall notify the board in writing within 15 days. For failure to report such a change within 15 days, the board may suspend the pharmacist's license. Reinstatement shall be made only upon payment of a reasonable fee as established by the board.

9 Disciplinary Action. Amend RSA 318:29, II (g) as inserted by 1981, 484:12 by striking out in lines one and 2 the words "chapter; or" and inserting in place thereof the following (chapter, or any rule adopted pursuant to RSA 318:5-a; or) so that said subparagraph as amended shall read as follows:

(g) Willful or repeated violation of the provisions of this chapter, or any rule adopted pursuant to RSA 318:5-a; or

10 Disciplinary Hearing. Amend RSA 318:29, III as inserted by 1979, 155:22 as amended by striking out said paragraph and inserting in place thereof the following:

III. A pharmacist license or a pharmacy permit or manufacturer's license or wholesaler's license may be suspended by the board as provided in RSA 541-A:15, III, should any condition exist which, in the opinion of the board, poses an immediate threat to public health, safety or welfare.

11 Impaired Pharmacist Program. Amend RSA 318 by inserting after section 29 the following new section:

318:29-a Impaired Pharmacist Program.

I. Any pharmaceutical peer review committee may report relevant facts to the board relating to the acts of any pharmacist in this state if they have knowledge relating to the pharmacist which, in the opinion of the peer review committee, might provide grounds for disciplinary action as specified in RSA 318:29, II.

II. Any committee of a professional society comprised primarily of pharmacists, its staff, or any district or local intervenor participating in a program established to aid pharmacists impaired by substance abuse or mental or physical illness may report in writing to the board the name of the impaired pharmacist together with the pertinent information relating to his impairment. The board may report to any committee of such professional society or the society's designated staff information which it may receive with regard to any pharmacist who may be impaired by substance abuse or mental or physical illness.

III. Upon a determination by the board that a report submitted by a peer review committee or professional society committee is without merit, the report shall be expunged from the pharmacist's individual record in the board's office. A pharmacist or his authorized representative shall be entitled on request to examine the pharmacist's peer review or the pharmaceutical organization committee report submitted to the board and to place into the record a statement of reasonable length of the pharmacist's view with respect to any information existing in the report.

IV. Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board, compiled in conjunction with an impaired pharmacist peer review committee, shall be confidential and are not to be considered open records unless the effected pharmacist so requests; provided, however, the board may disclose this confidential information only:

(a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a board action or order;

(b) To the pharmacist licensing or disciplinary authorities of other jurisdictions; or

(c) Pursuant to an order of a court of competent jurisdiction.

V. (a) No employee or member of the board, peer review committee member, pharmaceutical organization committee member, pharmaceutical organization district or local intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding the impaired pharmacist shall by reason of furnishing such information be liable for damages to any person.

(b) No employee or member of the board or such committee, staff, or intervenor program shall be liable for damages to any person for any action taken or recommendations made by such board, committee, or staff unless he is found to have acted recklessly or wantonly.

12 Hearings. Amend RSA 318:30, I as inserted by 1981, 484:13 by striking out said paragraph and inserting in place thereof the following:

I. The board shall take no disciplinary action, except as provided in RSA 318:29, III without a hearing. Parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place for hearing.

13 Prescription Labels. Amend RSA 318:47-a as inserted by 1979, 155:30 by inserting in line 4 after the word "name" the following (or initials) so that said section as amended shall read as follows:

318:47-a Prescription Labels. Whenever a pharmacist dispenses a non-controlled drug pursuant to a prescription he shall affix to the container in which such drug is dispensed a label showing at least the name and address of the pharmacy and the name or initials of the dispensing pharmacist or pharmacist-in-charge; the prescription identification number assigned by the pharmacy; the date dispensed; any directions as may be stated on the prescription; and name of the prescribing practitioner; the name of the patient; all pertinent auxiliary labels; and, unless otherwise indicated by the prescribing physician, the name, strength, and quantity of the drug dispensed. No person shall alter, deface, or remove any label so affixed.

14 Prescriptions. Amend RSA 318:47-c as inserted by 1979, 155:30 by striking out in line 13 the number "2" and inserting in place thereof the following (4) so that said section as amended shall read as follows:

318:47-c Prescriptions. A prescription may be written or oral. All oral prescriptions shall be immediately reduced to writing by the pharmacist receiving the oral prescription and shall indicate at least the name of the patient; the name, strength, and quantity of the drug prescribed; any directions specified by the prescriber; the name of the practitioner prescribing the medication; the date the prescription was ordered; a statement that the prescription was presented orally; and the name of the pharmacist who took the verbal order. The pharmacist who dispensed an original prescription shall indicate on the face of the prescription at least the assigned prescription identification number; the date of dispensing; the quantity actually dispensed; and his name or initials. The prescription shall be filed numerically by the assigned identification number for a period not less than 4 years. Such prescription files shall be open to inspection by the pharmacy board and its agents.

15 Licenses. Amend RSA 318 by inserting after section 51 the following new section:

318:51-a Licensing of Manufacturers and Wholesalers Required.

I. No person shall manufacture legend drugs or controlled drugs as that term is defined in RSA 318-B:1, VI; no person as a wholesaler or distributor shall supply the same; and no professional association or corporation engaged in the practice of medicine or pharmacy or both shall possess or dispense legend drugs or controlled drugs without first having obtained a license to do so from the board. Such license shall expire annually on December 31. An application together with a reasonable fee as established by the board shall be filed annually on or before January 1.

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the board of pharmacy:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and such security equipment so as to properly carry on the business described in his application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

16 Recording Prescriptions. Amend RSA 318:52-d as inserted by 1971, 135:1 by striking out said section and inserting in place thereof the following:

318:52-d Recording and Filing of Prescription. Every person who disposes of, sells, furnishes, or gives away a hypodermic syringe or hypodermic needle or an instrument adapted for the administration of controlled drugs by injection, upon the written prescription of a duly licensed practitioner, shall record over his signature the date of sale or furnishing of the instrument and the number of instruments sold. This prescription shall be retained on file for a period of 4 years and shall be open to inspection by any public officer or employee engaged in the enforcement of RSA 318-B. A prescription filled in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the administration of controlled drugs by injection to the person to whom the prescription was issued for a period of 6 months from the date of its original issuance.

17 Definition of "Dispense" Changed. Amend RSA 318-B:1, VIII as inserted by 1969, 421:1 by striking out said paragraph and inserting in place thereof the following:

VIII. "Dispense" means to distribute, leave with, give away, dispose of, deliver, or sell one or more doses of

and shall include the transfer of more than a single dose of a medication from one container to another and the labelling or otherwise identifying a container holding more than a single dose of a drug.

18 Definition of "Wholesaler" Changed. Amend RSA 318-B:1, XXXIII as inserted by 1969, 421:1 by striking out said section and inserting in place thereof the following:

XXXIII. "Wholesaler" means a person who supplies or distributes controlled drugs that he himself has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers or federal, state and municipal agencies.

19 Licensing. Amend RSA 318-B:3 as inserted by 1969, 421:1 as amended by striking out said section and inserting in place thereof the following:

318-B:3 Licensing of Manufacturers and Wholesalers Required. No person shall manufacture controlled drugs, no person as a wholesaler shall supply the same, and no professional association or corporation engaged in the practice of medicine or pharmacy or both shall possess or dispense controlled drugs without first having obtained a license to do so as provided in RSA 318:51-a.

20 Administration by Paramedics. Amend RSA 318-B:10, V as inserted by 1977, 106:2 as amended by striking out in line 5 the word "dispense" and inserting in place thereof the following (administer) so that said paragraph as amended shall read as follows:

V. A paramedic who has been approved and certified by the board of registration in medicine as an emergency medical technician-paramedic may possess, for emergency use only, such prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The paramedic may administer such prescription drugs upon receipt directly or by telephone or by radio or by other communication medium of directions to do so from the supervising physician.

21 Inspection by Law Enforcement Officers. Amend RSA 318-B:12, II as inserted by 1983, 292:10 by inserting in line 3 after the word "municipal" the following (law enforcement) so that said paragraph as amended shall read as follows:

II. Prescription orders and records required by this chapter and stocks of controlled drugs shall be open for inspection only to federal, state, county and municipal law enforcement officers; all officers, agents, inspectors, and representatives of the board of pharmacy who are charged with the responsibility to enforce this chapter; all peace officers within the state; the attorney general; and all county attorneys whose duty it is to enforce the laws of this state or of the United States relating to controlled drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which

prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

22 Label to Show Quantity of Drug. Amend RSA 318-B:13, II as inserted by 1969, 421:1 as amended by striking out said section and inserting in place thereof the following:

II. Whenever a pharmacist dispenses any controlled drug on prescription issued by a practitioner, he shall affix to the container in which such drug is dispensed a label showing the name, address, and registry number of the pharmacy and name or the initials of the pharmacist; the name of the prescribing practitioner; the prescription identification number; the name of the patient; the date dispensed; any directions as may be stated on the prescription; and the name and strength and quantity of the drug dispensed. No person shall alter, deface, or remove any label so affixed.

23 Board of Pharmacy Added. Amend RSA 318-B:24 as inserted by 1969, 421:1 as amended by striking out said section and inserting in place thereof the following:

318-B:24 Rulemaking. Authority is hereby granted to the division of public health services in conjunction with the pharmacy board to adopt rules under RSA 541-A for the efficient enforcement of this chapter, and the division of public health services and the pharmacy board are hereby required to adopt rules under RSA 541-A to conform with regulations promulgated by the Secretary of the Treasury of the United States, his delegate, the Secretary of Health and Human Services of the United States or the United States Attorney General under the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the federal food and drug laws.

24 Inspection by Law Enforcement Officers. Amend RSA 318-B:25 as inserted by 1969, 421:1 as amended by striking out said section and inserting in place thereof the following:

318-B:25 Authority for Inspection. All officers, agents, inspectors and representatives of the division of public health services who are charged with the responsibility to enforce this chapter; all officers, agents, inspectors, and representatives of the pharmacy board who are charged with the responsibility to enforce this chapter; all peace officers within the state; the attorney general and all county attorneys; and federal, state, county and municipal law enforcement officers are authorized to enter during normal business hours upon the premises used by a practitioner for the purpose of his practice and to inspect such original records or prescriptions of both for controlled drugs as defined herein. Every practitioner, his clerk, agent, or servant shall exhibit to such person on demand every such original record or prescription or both so kept on file.

25 Repeal. RSA 318-B:4, relative to licenses, is hereby repealed.

26 Effective Date. This act shall take effect January 1, 1986.

HB 500, relative to municipal courts. Inexpedient to Legislate.

The Committee feels that this matter has been addressed in other legislation. Vote 15-0. Rep. Frank J. Sylvia for Judiciary.

HB 508, authorizing police officers to order removal of motor vehicle fatalities. Ought to Pass with Amendment.

This bill gives police officers the authority to order removal of motor vehicle fatalities whenever a medical examiner is unavailable. It further requires the police officers to fill out the appropriate forms and to take photographs or video recordings. Vote 17-0. Rep. Maureen E. Raiche for Judiciary.

Amendment

Amend RSA 611:7, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. A police officer acting under paragraph II shall make the report required under RSA 611:8. The report shall be included as part of the uniform police investigation report of accident required by RSA 264:26. Photographs or videotape recordings shall be taken at the accident scene prior to removal of the body.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

HB 517, relative to forfeiture of items used in connection with drug offenses. Ought to Pass with Amendment.

This bill provides all proceeds used in felonious violation of the controlled drug act as well as all moneys found in proximity to controlled substances shall be subject to forfeiture. Forfeiture is not enforceable if the owner acquires the items by legitimate means. The court may grant a continuance in forfeiture proceedings until the final resolution of any criminal proceedings. A special drug forfeiture fund will be set up and administered by the Attorney General to be used to pay overtime and extraordinary expenses of local, county and state investigations. In addition money in the fund can be used for drug enforcement programs of law enforcement agencies and those programs administered by the Office of Alcohol and Drug Abuse Prevention. Effective date, July 1, 1985. Vote 16-2. Rep. C. William Johnson for Judiciary.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Forfeiture of Items Used in Connection With Drug Offenses. Amend RSA 318-B:17-b, IV as inserted by 1981,

166:2 as amended by striking out said paragraph and inserting in place thereof the following:

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter. Such proceedings shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 30 days of the return date on said petition. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. At the hearing the court shall hear evidence and make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final orders shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale. All outstanding recorded liens on said items or property interest shall be paid in full upon conclusion of the court proceedings. Any balance remaining after the sale of the seized items or property interest shall be deposited in a drug forfeiture fund, administered by the office of the attorney general pursuant to RSA 318-B:17-c, and is hereby continually appropriated to the drug forfeiture fund.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Drug Forfeiture Fund. Amend RSA 318-B by inserting after section 17-b the following new section:

318-B:17-c Drug Forfeiture Fund.

I. There is hereby established within the office of the state treasurer a special fund to be designated as the drug forfeiture fund. This non-lapsing fund shall be administered by the attorney general and may be used to pay in the following order of priority the costs of:

(a) local drug-related investigations;

(b) county drug-related investigations;
(c) state drug-related investigations;

(d) drug control law enforcement programs within New Hampshire, including those programs administered by the office of alcohol and drug abuse prevention.

II. Law enforcement agencies may apply to the office of the attorney general for grants from the drug forfeiture fund. Any application seeking reimbursement for personnel expenses shall be limited to overtime expenditures and other extraordinary expenses.

III. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

(a) the administration of the drug forfeiture fund.

(b) The grant application procedures and forms to be used by law enforcement agencies.

6 Drug Forfeiture Fund. Amend RSA 6:12, I by inserting after subparagraph (t) the following new subparagraph:

(u) Money received under RSA 318-B:17-b, IV, which shall be credited to the drug forfeiture fund.

7 Effective Date. This act shall take effect July 1, 1985.

Referred to Appropriations.

HB 522, making sexual contact with a person under 13 years of age a class B felony. Inexpedient to Legislate.

The problems that House Bill 522 was intended to deal with are better addressed in House Bill 594 which appears on the Consent Calendar with the recommendation of Ought to Pass with Amendment. Vote 13-0. Rep. Shawn N. Jasper for Judiciary.

HB 531, relative to limitation of actions arising from construction. Inexpedient to Legislate.

The Committee will be taking up the subject of the statutes of limitation for personal actions in another bill. Vote 16-0. Rep. Maureen E. Raiche for Judiciary.

HB 549, creating a compensation program for victims of violent crimes. Refer for Interim Study.

The Judiciary Committee, though very much in favor of this legislation, felt that the change in the funding which required an appropriation could not pass this, as the time has passed for money bills. It also felt a need to change a few small details, which Interim Study will allow. Vote 16-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 559, reducing the penalty for first offense possession of one ounce or less of marijuana to a violation. Ought to Pass. This legislation provides a needed definition and its correlation is now placed within the scope of this problem and has it in a proper position to

enhance a much better control by the law enforcement community. Vote 18-0. Rep. Frank J. Sylvia for Judiciary.

HB 568, relative to alcohol education programs. Inexpedient to Legislate. This bill's intent would be more properly achieved by administrative order. Vote 15-0. Rep. Francis E. Robinson for Judiciary.

HB 583, relative to alimony. Ought to Pass.

This bill amends the alimony sections by making it gender neutral; eliminating the three-year rule in alimony orders; and expanding the factors which ought to be considered in determining the amount of alimony. Vote 16-0. Rep. Alf E. Jacobson for Judiciary.

HB 594, relative to sexual assault. Ought to Pass with Amendment.

This bill upgrades penalties for sexual assault on victims under 13. The Committee felt these sex-related crimes ought to be felonies. The amendment is technical in nature. Vote 10-3. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend RSA 632-A:2, I(j) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(j) When, except as between legally married spouses, the victim is 13 years of age or older and under 16 years of age, and the actor is a member of the same household as the victim; or when the actor is related by blood or affinity to the victim, or is in a position of authority over the victim, and the actor uses this authority to coerce the victim to submit.

Amend RSA 632-A:2, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. A person is guilty of a class A felony if he subjects a victim to sexual contact not involving penetration but causing serious bodily injury to the victim under any of the circumstances named in paragraph I or without the consent of the victim.

Amend RSA 632-A:4 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

632-A:4 Sexual Assault; Misdemeanor. A person is guilty of a misdemeanor if he subjects another person of 13 years of age or older to sexual contact which does not involve penetration or result in serious bodily injury to the victim under any of the circumstances named in RSA 632-A:2, I.

HB 599, relative to computer-related offenses. Ought to Pass.

This bill provides criminal penalties for the perpetrators of computer-related crimes. The Committee believes this is

a state of the art solution to high tech crime. Vote 15-0. Rep. Marc Chretien for Judiciary.

HB 677, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act. Ought to Pass with Amendment.

This bill streamlines the current business corporation statute providing several necessary improvements. Vote 17-0. Rep. David E. Cote for Judiciary.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Decennial Renewal. Amend RSA 292:25 as inserted by 1975, 95:1 by striking out said section and inserting in place thereof the following:

292:25 Renewal Required. Every corporation organized under this chapter or by act of the legislature shall, on or before January 1, 1976, and every 10 years thereafter, make a return in writing to the secretary of state upon blanks to be furnished by him upon request and shall pay a fee of \$10. The return shall be signed under oath by the president and secretary of said corporation or officers corresponding to such offices. The return shall state the corporation's principal address and the names and addresses of all the officers and directors of the governing board of the corporation. Any corporation which does not renew its charter as provided in this subdivision shall have its charter repealed, revoked and annulled; shall lose any right or title to the name under which it was incorporated; and shall be so advised in writing by the secretary of state. The secretary of state shall notify by mail all active corporations which have a current principal address on file in his office of the requirements of this subdivision at least 60 days prior to the January 1 return date.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Repeal. The following are hereby repealed:

I. RSA 292:11, relative to records of nonprofit corporations.

II. RSA 292:27, relative to a publication notice.

III. RSA 292:28, relative to reinstatement following publication.

IV. RSA 294-A:28, II, relative to financial information in annual reports.

Amend the bill by striking out section 18 and inserting in place thereof the following:

18 Record; Fees. Amend RSA 349:7 as amended by inserting in line 9 after the word "discontinuance" the following (, addition,) so that said section as amended shall read as follows:

349:7 Record; Fees. There shall be paid to the secretary of state for filing of registration and issuance of certificate of registration a fee of \$40. Upon payment of said fee, the secretary of state shall deliver to the person filing and registering such trade name a certificate of registration under his signature and state seal showing the name and address of the person or persons claiming ownership of the trade name, the nature of the business thereby reserved and described and a receipt for the payment of said fee. The fee for renewal of any registration shall be \$40. The fee for notice of discontinuance, addition, or withdrawal shall be \$2. The secretary shall keep a suitable file or record of all such certificates. He shall prepare blanks for such certificates, and shall, upon request, furnish such blanks to persons, partnerships, or associations.

19 Effective Date. This act shall take effect upon its passage.

Amend the bill by striking out sections one and 16 and renumbering sections 2-15 and sections 17-19 to read as 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, respectively.

HB 685, creating a single state district court and abolishing all remaining municipal courts. Refer for Interim Study.

This bill sets up a single state court system with full-time judges. The Committee felt that this innovative view merits further study. Vote 14-2. Rep. Alf E. Jacobson for Judiciary.

HB 697, relative to courts and court procedure. Ought to Pass with Amendment. This bill is a potpourri of changes in current court procedures which will improve the administration of justice and reduce expenditures. The Committee believes the bill will promote truth, justice, and the American way. Vote 15-2. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Delinquent Children; Appeals to Supreme Court. Amend RSA 169-B:29 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-B:29 Appeals. An appeal under this chapter may be taken to the supreme court by the minor within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders.

2 Abandoned and Abused Children; Appeals. Amend RSA 169-C:28 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-C:28 Appeals. An appeal under this chapter may be taken to the supreme court by the child or his authorized representative or any party having an interest, including

the state, within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders.

3 Children in Need of Services; Appeals. Amend RSA 169-D:20 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-D:20 Appeals. An appeal under this chapter may be taken to the supreme court by the child, parent, guardian or custodian, within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders.

4 Suspension of Driver's License for Default or Nonpayment of Fines. Amend RSA 263:56-a, I, II and III (supp) as inserted by 1983, 347:3 by striking out said paragraph and inserting in place thereof the following:

I. Whenever any defendant:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined he is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction, his driver's license or resident or nonresident driving privilege shall be suspended effective 30 days after such default or failure, except as provided in paragraph I(d) of this section.

(d) If a defendant receives a summons in hand from a law enforcement officer, no further notification to such defendant is required before the suspension of his driving privileges occurs as provided in subparagraph I(c). If a defendant receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such defendant by certified mail at his last known address that his driving privileges shall be suspended 30 days after the mailing of such notification.

II. If such defendant fails to appear, pay his fine or comply with an order within the applicable period, as provided in paragraph I(c) or (d) of this section, or fails to demonstrate that he is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such defendant's driver's license or resident or nonresident driving privilege effective from the applicable date for an indefinite period and mark his files accordingly. All courts shall notify the director of any such failure on a form prescribed by the director.

III. Except as provided in paragraph IV, the license or driving privilege of any defendant whose license or privilege has been suspended pursuant to paragraph II shall be reinstated upon:

(a) Payment to the director of a fee of \$25, which shall be in lieu of

any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(f), and

(b) Appearance by such defendant, payment of his fine, or compliance with the order of the director, as applicable, or upon demonstration that such defendant is financially unable to pay the fine or to comply with the order. Any court which has ordered a suspension pursuant to paragraph II shall vacate the order and so notify the director and the affected defendant immediately after such defendant has appeared or paid his fine, as applicable, or has demonstrated that he is financially unable to pay the fine or to comply with the order.

5 Suspensions; Primary Sanction for Nonpayment. Amend RSA 263:56-a, VI (supp) as inserted by 1983, 347:3 by striking out said paragraph and inserting in place thereof the following:

VI. The provisions of this section shall be the primary sanction for defendants who fail to appear, pay a fine, or other penalty or comply with an order of the director or a court, but shall not exclude other provisions of law relative to sanctions for defendants who fail to appear, pay a fine, or other penalty or comply with an order of the director or a court.

6 Pleas by Mail; Procedure. Amend RSA 502-A:19-b (supp) as inserted by 1975, 116:2 as amended by striking out said section and inserting in place thereof the following:

502-A:19-b Pleas by Mail; Procedure.

In any case in which a defendant may, pursuant to RSA 262:44, enter a plea by mail in a district or municipal court, the following procedure shall be followed:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the normal fines for violations of the provisions of Title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense for which the penalty is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of his fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment.

II.(a) Whenever a defendant:

(1) Does not enter a plea by mail prior to the arraignment day or does not appear personally or by counsel on or before that date or move for a continuance; or

(2) Otherwise fails to appear for a scheduled court appearance in connection with a summons for any offense;

the defendant shall be defaulted and the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment, and the defendant's driving privileges shall be suspended as provided in RSA 263:56-a.

(b) In such cases, the court shall notify the director of the division of motor vehicles of the defendant's default and the amounts of his fine and other penalties on a form prescribed by the director. The amount of the administrative processing fee shall be determined by the New Hampshire supreme court in accordance with the provisions of paragraph V of this section.

III. The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

(a) Is defaulted in accordance with the provisions of paragraph II of this section; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined he is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction.

IV. For cause, the court in its discretion may refuse to accept a plea by mail and may impose a fine other than that prescribed by the uniform fine schedule. The court may order the defendant to appear personally in court for the disposition of his case.

V. The uniform fine schedule and administrative processing fee referred to in paragraphs I and II shall be developed and promulgated by the New Hampshire supreme court after consultation with the administrative committee of the district and municipal courts and the New Hampshire Judges Association and after approval by the legislative fiscal committee.

VI. The administrative processing fee provided for in paragraph II shall be retained by the court for the benefit of the state.

7 New Subdivision Heading. Amend the subdivision heading preceding RSA 490:26-a by striking out said heading and inserting in place thereof the following:

Court Fees, Forms and Personnel

8 Forms. Amend RSA 490 by inserting after section 26-c the following new section: 490:26-d Forms. The supreme court shall establish such forms for all courts as are necessary for the effective administration of justice.

9 Waiver of Court Costs and Fees. Amend RSA 499:18-b (supp) as inserted by 1971, 340:1 as amended by striking out in line 2 the word "superior" so that said section as amended shall read as follows:

499:18-b Waiver of Court Costs and Fees. Except as otherwise specifically provided by the rules of the court, any person, by reason of poverty, may seek relief from the payment of any fees provided

by law which are payable to any court, clerk of court, or sheriff. The court, upon the application of such person, which application may be filed without fee, may, in its discretion, order the payment of such fees waived. In any case in which a person is represented by a legal aid society, a federally funded legal services project, or counsel assigned in accordance with the rules of the court, all filing costs shall be waived by the clerk without the necessity of a court order. Fees for the service of process by sheriffs shall be a charge against the state.

10 District Courts; Use of Recording Devices. Amend RSA 502-A:27-d as inserted by 1973, 536:2 by striking out said section and inserting in place thereof the following:

502-A:27-d Use of Recording Devices. Upon petition by any party the court may, in its discretion, allow said party to record the proceedings by any recording device. The recordings shall be made at the expense of the petitioner, except as provided under RSA 599:1-c for violations. If in a criminal proceeding the defendant is indigent, the defendant shall upon request at least 5 days prior to any hearing or trial be entitled to a sound recording of the proceedings at state expense.

11 Appeals from Convictions in Municipal or District Courts, Sound Recordings. Amend RSA 599:1-c (supp) as inserted by 1983, 382:18 by striking out said section and inserting in place thereof the following:

599:1-c Records Required.

I. Any person charged with any violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense or who is charged with any other offense which might result in a conviction for a violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense may, at least 5 days prior to trial, request the district or municipal court that a sound recording be kept of all proceedings in his trial. If such a request is made, the district or municipal court shall make the sound recording at no cost to the person requesting it.

II. A person sentenced by a district or municipal court for a violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense may, at the time the sentence is declared or within 30 days thereafter, appeal therefrom to the supreme court. On any such appeal, the district or municipal court shall, at no cost to the person, provide to the supreme court the sound recording requested under paragraph I.

12 Bail Commissioners. Amend RSA 597:15-a as inserted by 1963, 331:9 by striking out said section and inserting in place thereof the following:

597:15-a District Courts. District courts may appoint 3 or more justices of the peace and quorum as commissioners authorized to fix and receive bail in criminal cases to be brought before said courts as hereafter provided.

13 Effective Date. This act shall take effect January 1, 1985.

HB 698, relative to court administration. Ought to Pass with Amendment.

This bill allows discontinuance of district court sessions in towns within the district on request of the local governing body and agreement by the court. The amendment deletes a section of the bill that has been incorporated elsewhere, and makes several other housekeeping changes. Vote 17-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Transfer of Appropriations. Amend RSA 9:17-d (supp) as inserted by 1979, 403:3 by striking out said section and inserting in place thereof the following:

9:17-d Transfer of Appropriations. Notwithstanding any other provision of law, the supreme court may transfer funds within program appropriation units within the judicial branch without prior approval of the legislative fiscal committee and shall certify such transfers to the comptroller. The certification shall state that such transfers within program appropriation units are necessary to efficiently carry out the functions of the courts. The supreme court may transfer funds between program appropriation units within the judicial branch and shall certify such transfers to the comptroller. The certification shall state that such transfers between program appropriation units are necessary to efficiently carry out the functions of the courts and that the legislative fiscal committee has approved the transfers.

Amend RSA 490-A:2 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

490-A:2 Chief Justices of the Supreme and Superior Courts. The chief justice of the supreme court, with the advice and consent of the chief justice of the superior court in respect to all matters affecting the superior court, shall be responsible for supervising the efficient operation of all courts in New Hampshire. In meeting this responsibility, the chief justices shall receive the advice and cooperation of all persons and bodies interested in the administration of justice, including, but not limited to, the justices of all courts in New Hampshire, the judicial council, the administrative committee of probate courts, the New Hampshire Probate Judges Association, the New Hampshire Superior Court Clerks Association, New Hampshire Probate Registers Association, the court accreditation commission, the New Hampshire Bar Association, and all county and local bar associations.

Amend RSA 502-A:2 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

502-A:2 Sessions in Towns Within District. The purpose of the establishment of this system of district courts is to provide the number of courts which will adequately serve the convenience of the public, both transient and permanent residents of this state. To accomplish this purpose, districts must serve certain towns within their district, having regard for the parties, the seasonal influx of population in certain areas, and such other considerations as the expeditious and effective administration of justice may require. In addition to the regular sessions which are required to be held in various districts under the provisions of this chapter, the justice or special justice of each district court shall hold sessions in such localities within their respective district and at such times as may best serve the convenience of the communities within their district. District courts are hereby directed to hold regular sessions in the towns as set forth in the following table, except that a district court shall not be required to hold regular sessions in a town if, upon written request by the town and written agreement between the court and the local governing body of the town, it is determined that such sessions are no longer required for the effective administration of justice. Sessions once discontinued shall not be reinstituted except by agreement of both the court and the local governing body. The following table sets forth the required regular sessions in towns:

<u>District Courts</u>	<u>Towns</u>
Exeter	Newmarket Epping
Auburn	Northwood
Rochester	Farmington
Laconia	Meredith Alton
Nashua	Pelham
Milford	Wilton
Keene	Hinsdale Walpole
Claremont	Charlestown
Lebanon	Canaan
Littleton	Bethlehem
Plymouth	Bristol
Lancaster	Northumberland (Groveton)
Merrimack	Bedford

Amend RSA 549:8 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

549:8 Sullivan. For the county of Sullivan, at Newport, on the last Wednesday of every month.

Amend section 9 of the bill by inserting after paragraph III the following new paragraph:

IV. RSA 9:17-f, relative to transfer of appropriations by the superior court.

HB 708, relative to the indigent defense program. Ought to Pass with Amendment. This bill provides for contract attorneys as an additional group of lawyers who may represent indigent defendants. In this system, a lawyer is paid in advance. The amendment removes the section requiring convicted defendants to repay for legal representation and leaves the provision discretionary. Additionally, the court may require convicted felons to repay post-incarceration if able to do so. Vote 15-0. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend RSA 604-A:9 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

604-A:9 Repayment.

I. Any defendant who is convicted of any offense and who has had counsel or a public defender assigned to him at the expense of the state may be ordered by the court to repay the state through the department of corrections all fees and expenses paid on his behalf on such terms as the court may order and as provided in this section, unless the court finds that the defendant is or will be unable to pay.

II. All petitions for court appointed counsel shall bear the following words in capital letters:

I UNDERSTAND THAT IF I AM CONVICTED I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME BY COURT APPOINTED COUNSEL UNLESS THE COURT FINDS THAT I AM OR WILL BE FINANCIALLY UNABLE TO PAY. I UNDERSTAND THAT IF I AM INCARCERATED IN THE STATE PRISON I WILL NOT BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME WHILE I AM INCARCERATED, BUT THAT I MAY BE REQUIRED TO REPAY THESE SERVICES AT ANY TIME DURING THE THREE YEARS FOLLOWING MY RELEASE FROM PRISON.

III. Subject to the provisions of RSA 512:21, if any repayment ordered pursuant to paragraph I becomes overdue, the court having originally appointed counsel may order any employer of a former defendant under such paragraph to deduct from that person's wages or salary the appropriate amount due and pay such amount to the department of corrections, which shall refund such amount to the state.

IV. Notwithstanding any other provision of law, any defendant whose sentence does not include actual incarceration in the state prison and who has had counsel or a public defender assigned to him at the expense of the state may, as part of this sentence, be placed on probation or sentenced to a period of conditional discharge, with the condition of such probation or conditional discharge that he reimburse the state for all fees and expenses paid on his behalf.

V. The state may seek recovery of expenses paid on behalf of any defendant whose sentence includes incarceration in the state prison within 3 years from the time such person is released from the state prison, and upon such petition the superior court may order repayment unless the court finds that the defendant is unable to comply with the terms of any order for repayment or any modified order for repayment.

VI. Each court shall annually report to the president of the senate and speaker of the house of representatives the amount repaid under the provisions of this section.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1985.

HB 709, creating a privilege for certain victims and their counselors. Ought to Pass with Amendment.

This bill provides for protection of confidentiality of communications between victims and counselors in cases of rape and domestic violence. The protection is absolute in civil cases, but limited in criminal cases to avoid infringing on constitutional rights of the defendant. This should encourage these victims to seek the help they need and to report and participate in the prosecution of their attackers without risking the public disclosure of their most personal and painful fears. The amendment fine tunes the definition of victim and counselor and specifies that counselors still must report child abuse. Vote 18-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend RSA 173-C:1, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. "Confidential communication" means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault or alleged domestic abuse, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.

Amend RSA 173-C:1, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. "Domestic violence counselor" means any person who is employed or appointed or who volunteers in a domestic violence center who renders support, counseling, or assistance to victims of domestic abuse or attempted domestic abuse, who has satisfactorily completed 30 hours of

training in a bona fide program which has been developed by a center as defined in RSA 173-C:1, II.

Amend RSA 173-C:1, V as inserted by section one of the bill by striking out same and inserting in place thereof the following:

V. "Sexual assault counselor" means any person who is employed or appointed or who volunteers in a rape crisis center who renders support, counseling, or assistance to victims of sexual assault or attempted sexual assault, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a rape crisis center as defined in RSA 173-C:1, IV.

Amend RSA 173-C:1, VI as inserted by section one of the bill by striking out same and inserting in place thereof the following:

VI. "Victim" means any person alleging sexual assault under RSA 632-A or domestic abuse as defined in RSA 173-B:1 who consults a sexual assault counselor or a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse or an alleged attempted sexual assault or domestic abuse.

Amend RSA 173-C as inserted by section one of the bill by inserting after section 9 the following new section:

173-C:10 Counselor's Duty to Report Child Abuse. None of the provisions of this chapter shall negate the domestic violence or sexual assault counselor's duty to report child abuse under RSA 169-C:29.

HB 724, relative to small claims litigation. Ought to Pass with Amendment. This bill updates the small claims chapter by making several modifications suggested by the district court judges who hear these cases. Vote 16-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Small Claim Fees. Amend RSA 503:1, III (supp) as inserted by 1983, 283:1 by striking out said paragraph and inserting in place thereof the following:

III. When the debt or damages claimed exceed \$500, a defendant may claim trial by jury by filing a written request within 5 business days of the filing of the application and statement of the claim under RSA 503:3 or within such additional time as the municipal or district court may for good cause allow. If such a request is filed, the case shall be transferred at once to the superior court in the county in which the town or district is located and heard and

tried as if originally entered in the superior court. The original entry fee shall be paid by the plaintiff, but is recoverable as a cost if the plaintiff prevails.

2 Process. Amend RSA 503:3 as amended by striking out said section and inserting in place thereof the following:

503:3 Process. An action on a small claim may be commenced by filing an application in the district or municipal court having jurisdiction. The application may be filed by a person or his authorized attorney and shall set forth a statement of the claim, including the names of the parties involved, the residence of each party, the basis of the claim, and the amount alleged to be due. Upon the filing of such an application and the payment of the required fee, the clerk shall set a time and place for hearing.

3 Attachment Process. Amend RSA 503 by inserting after section 3-b the following new section:

503:3-c Attachment Process. The attachment process under RSA 511 shall apply to judgments obtained in small claims actions.

4 Notice to Defendant. Amend RSA 503:6 as amended by striking out said section and inserting in place thereof the following:

503:6 Notice to Defendant. The justice shall cause notice of the claim and the substance thereof to be given to the defendant, whether or not he is a resident of this state, by sending a written statement to the defendant by postpaid certified mail, return receipt requested, addressed to the defendant at his last known post office address and directing the defendant to appear at the time and place of hearing, which shall not be less than 14 days from the date said notice is mailed to the defendant. Any day of the month is a return day, exclusive of Saturday and Sunday. Return receipt showing that defendant has received the statement shall constitute an essential part of the service. If service cannot be effected by certified mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

5 Proceedings After Judgment. Amend RSA 503:8 as amended by striking out said section and inserting in place thereof the following:

503:8 Proceedings After Judgment. All proceedings subsequent to the rendition of judgment shall follow existing practice and procedure.

6 Records Requirement. Amend RSA 503 by inserting after section 9 the following new section:

503:10 Records Requirement.

I. Any person who is a party to a small claim action may, at least 5 business days prior to trial, request of the district or municipal court that a sound recording be made of all proceedings in the trial. If such a request is made, the person making the request for the recording shall be responsible for the cost of the sound recording and any associated transcription costs.

II. Any party to a small claim judgment may, at the time judgment is declared or within 30 days of the notice of judgment date, appeal therefrom to the supreme court. On any such appeal, the district or municipal court shall provide the sound recording requested under paragraph I to the supreme court.

8 Repeal. RSA 527:7-a, relative to deposits required on executions of small claims judgments, is hereby repealed.

9 Effective Date. This act shall take effect January 1, 1986.

HB 725, relative to fees of law enforcement officers and judgments and executions. Ought to Pass with Amendment.

This bill which was requested by the district court judges makes some minor changes in language to give the court more flexibility in ordering payment of judgments and issuance of executions. It also provides that law enforcement officers shall charge the same fees as sheriffs when serving civil process. The amendment assures that these fees will go to the town if the police officer performs this service while on duty. Vote 16-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend RSA 104:31-b as inserted by section one of the bill by striking out same and inserting in place thereof the following:

104:31-b Fees of Law Enforcement Officers. The fees of law enforcement officers shall be the same as those provided for sheriffs when serving civil process pursuant to RSA 104:31. Fees collected under this section shall be paid into the general fund of the law enforcement officer's employer if the officer served process while on duty or to the officer himself if he served process while off duty.

HB 726, relative to alimony and property settlements. Refer for Interim Study.

This bill contains necessary changes in our laws relative to alimony and property settlement. However, the Committee believes that because of the importance of the subject, it needs more study in order to develop the best possible law. Vote 14-1. Rep. Maureen E. Raiche for Judiciary.

HB 770, relative to the compensation of probate judges. Refer for Interim Study. Testimony on this bill revealed more complications than are apparent in the bill. The Committee voted unanimously (15-0) to undertake further study of the problem and to suggest a more comprehensive proposal at the forthcoming session. Rep. Francis E. Robinson for Judiciary.

HB 771, relative to the support and custody of children. Inexpedient to Legislate.

It has been suggested by the sponsor that the Committee look at House Bill 713 as a better vehicle to accomplish the giving of clear standards and guidelines for the courts in the matter of support and custody of children. Vote 14-4. Rep. Elizabeth D. Lown for Judiciary.

HB 772, defining marital property and the division thereof pursuant to divorce. Inexpedient to Legislate.

This matter will be addressed during Interim Study of House Bill 726, which deals with the same issue. Vote 18-0. Rep. Frank J. Sylvia for Judiciary.

HB 780, relative to administrative inspection warrants. Inexpedient to Legislate.

There was some merit in this legislation from the discussion of the Committee, but there are also questions on it, and since no one appeared in favor or to answer some questions that needed clarification, the Committee felt it should be re-entered if it is still a desirable bill. Vote 15-0. Rep. Frank J. Sylvia for Judiciary.

HB 788, relative to county attorneys. Inexpedient to Legislate.

The Committee felt it inappropriate to interject statutory law into the internal administrative duties of our county attorneys. Vote 16-0. Rep. Thomas U. Gage for Judiciary.

HB 797, relative to filing a petition for a divorce based on irreconcilable differences. Refer for Interim Study.

The feeling of the Committee is that the issue of irreconcilable differences in divorce proceedings is important enough to warrant further study without the present time pressure. Vote 14-1. Rep. Elizabeth D. Lown for Judiciary.

HB 774, relative to fighting forest and brush fires on federal land. Ought to Pass with Amendment.

The bill establishes a procedure for collecting from the federal government the expenses of fighting a brush or forest fire on federal land and the White Mountain National Forest. Vote 18-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cooperative Fire Control Payments on Federal Lands. Amend RSA 224 by inserting after section 1-a the following new section: 224:1-b Cooperative Fire Control Payments on Federal Lands.

I. The expenses lawfully incurred by a forest fire warden or other authorized local fire official in the extinguishment of forest and brush fires on the White Mountain National Forest or other federal land within

the state under a cooperative forest fire protection agreement with the state computed at rates within limits established by the director of the division of forests and lands of the department of resources and economic development and excluding the initial costs of fire fighting equipment shall be paid in the first instance by the state.

II. The forest fire warden or other authorized local fire official shall render to the director of the division of forests and lands a statement of said expenses incurred in extinguishing forest and brush fires on the above described federal lands, showing in detail the amount and character of the services performed including names, addresses, hours worked, dates, and recommended compensation for persons authorized for fire duty by the fire warden or other authorized local fire official, costs of food and other supplies, operating and repair expenses of motorized equipment, reimbursement costs for lost and damaged pumps, hose, tools, and other fire equipment and such other costs as may be actually incurred on such fire.

III. The director of the division of forests and lands shall review such bills and upon his approval shall forward them for payment to the state treasurer. The governor shall draw his warrant on the state treasury from money in the treasury not otherwise appropriated for the payment of said bills. Upon such payment, the director of the division of forests and lands shall prepare and submit to the receiving federal agency appropriate vouchers for reimbursement to the state treasury of such costs paid by the state treasurer under this section.

IV. The director of the division of forests and lands shall also prepare and submit to the receiving federal agency appropriate vouchers for reimbursement of salary and expenses of permanent and temporary employees who remain on the state payroll while on authorized duty on federal lands within the state under a cooperative forest fire protection agreement with the state, the actual cost of food and other supplies, operating and repair costs of motorized equipment, reimbursement for lost or damaged pumps, hose, tools, and other fire equipment and such other costs as may be actually incurred by the state on such cooperative fire assignment.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 746, relative to truck weights. Refer for Interim Study.

The Committee voted unanimously (11-0) to recommend further study on this subject. A great deal of conflicting testimony was heard at the hearing. The Committee recognizes the seriousness of the issues involved and felt that adequate time was not available to do justice to this issue. Rep. Stephen Sloan for Transportation.

HB 14, relative to the lien for taxes due under the interest and dividends tax. Ought to Pass.

The Committee is of the opinion that this is a "housekeeping" bill to more clearly state the authority of the Commissioner of Revenue Administration to collect the tax. The bill changes the method by which overdue taxes are collected under the Interest and Dividends Tax by removing the collection from the city or town tax collectors and given to the Commissioner of Revenue Administration. Vote 17-0. Rep. Paul G. Blacketer for Ways and Means.

HB 58, relative to appeals before the board of tax and land appeals. Inexpedient to Legislate.

The sponsor did not appear to testify on behalf of HB 58. The Committee feels this bill was introduced in response to a specific case handled by the Board of Tax and Land Appeals. Testimony heard questioned both the fairness and constitutionality of such a bill. Vote 19-0. Rep. Thomas B. Connolly for Ways and Means.

HB 172-FN, relative to the interest and dividends tax. Inexpedient to Legislate. This bill would double the individual exemption on the Interest and Dividends Tax. The Committee felt that this would unduly harrow the tax rate, and too closely followed the recent substantial increase in the exemption. The Department of Revenue Administration has estimated this bill would cost the state four and a half million dollars annually. Vote 19-0. Rep. Robert C. Hayes for Ways and Means.

HB 183, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration. Ought to Pass.

The Committee reviewed the current system of sending money and forms back and forth and contrasted that with the proposed system. This bill allows a substantial savings in processing time. Vote 19-0. Rep. Barbara E. Arnold for Ways and Means.

HB 356-FN, exempting certain transfers between brothers and sisters from New Hampshire's inheritance tax. Ought to Pass with Amendment.

This bill, as amended, expands the homestead exemption permitted under New Hampshire's inheritance tax to include transfers between brothers and sisters of a share of or interest in a homestead when the homestead is owned in whole or in part by the decedant. Vote 17-2. Rep. Paul G. Blacketer for Ways and Means.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Expanding Homestead Exemption. Amend RSA 86:6, III (supp) as inserted by 1977, 467:2 by striking out said paragraph and inserting in place thereof the following:

III. The decedent's share of or interest in a homestead which, for a period of at least one year immediately preceding the date of death of the decedent, was owned in whole or in part by the decedent as his last and usual place of residence and occupied as a place of residence by one or more of the decedent's brothers and sisters, or brothers or sisters, but not necessarily by the decedent at the time of his death, shall be exempt from the tax imposed in paragraph I if the homestead passes to or for the use of said brothers and sisters, or brothers or sisters.

HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax. Ought to Pass.

This bill eliminates some current confusion surrounding the preparation of interest and dividends tax returns. Vote 19-0. Rep. Barbara B. Pressly for Ways and Means.

HB 380, relative to the tax on municipal bonds. Inexpedient to Legislate.

Under questioning by the Committee, Commissioner Power states that, once again, without computerization, his department cannot make estimates of how much money would be affected by this. Vote 19-0. Rep. Earle D. Hardy for Ways and Means.

HB 388-FN, expanding the exemption available for stepchildren and stepparents under the legacy and succession tax. Ought to Pass with Amendment.

This legislation addresses a clearly demonstrated deficiency in the Legacy and Succession Tax. At the present time, the statutes exempt property which passes by will from a stepparent to a stepchild or from a stepchild to a stepparent from payment of the Legacy and Succession Tax. As amended, HB 388 would expand that exemption to include property which passes by interstate succession or by deed grant, bargain, sale or gift between stepchildren and stepparents. Vote 17-0. Rep. Paul G. Blacketer for Ways and Means.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the exemption available for stepchildren and stepparents under the legacy and succession tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption for Stepchildren and Stepparents. Amend RSA 86:6, II by inserting after paragraph (f) the following new paragraph:

(g) the decedent's stepchildren together with the spouses of

said stepchildren; the lineal descendants and stepchildren of the decedent's stepchildren together with the spouses of said descendants, and stepchildren; and the stepchildren of the decedent's lineal descendants together with the spouses of said stepchildren.

2 Repeal. RSA 86:6-b relative to the exemption from payment of the legacy and succession tax for transfers between stepchildren and stepparents is hereby repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 431-FN, amending the business profits tax. Refer for Interim Study.

This bill proposes to change the unitary method of calculating the Business Profits Tax. After the regular hearing a subcommittee has met three times for about a total of six hours. However, the subject is quite complex and the subcommittee unanimously agreed it needs further study. Vote 19-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 467-FN, imposing a narrow-based sales tax to benefit education. Inexpedient to Legislate.

This bill would be extremely difficult to administer. It lacks definition as to what distinguishes luxury from non-luxury items. It mingles goods already subject to taxation to those that are not. Vote 19-0. Rep. Barbara E. Arnold for Ways and Means.

HB 479, establishing an alcohol and drug abuse prevention fund. Ought to Pass.

The Committee heard strong positive testimony in support of this bill. There is a close correlation between substance abuse and crime. About 80% of the criminal offenses are the direct result of alcohol and drug abuse. The Committee feels that this penalty assessment on fines for these criminal offenses is an appropriate way to provide revenues to the Office of Alcohol and Drug Abuse Prevention for programs to combat this pervasive problem. Vote 13-6. Rep. Barbara E. Arnold for Ways and Means.

Referred to Appropriations.

REGULAR CALENDAR (Committee Reports)

HCR 6, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee opposed the idea to call a Constitutional Convention to deal with the issue. This proposal attempts to restrict the coverage of a Constitutional Convention. Vote 7-3. Rep. Roger Stewart for the Majority of Constitutional and Statutory Revision. MINORITY: The minority feels that Congress must take action on the issue

of abortion. This resolution will at least prod the Congress to take action. It also has passed in 21 states. (Rep. Matthew J. Locke for the Minority of Constitutional and Statutory Revision.)

Rep. Locke moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Stewart and Joseph Eaton spoke against the motion.

Reps. Schwaner and Roberts spoke in favor of the motion.

Rep. Daniel Eaton moved that HCR 6 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 217 NAYS 109
YEAS 217

BELKNAP: Birch, Brown, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Hounsell, Kenneth MacDonald and Saunders.

CHESHIRE: Blacketor, Burley, Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Morse, Ramsay, Russell, Schwartz, Scranton and Secord.

COOS: Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Mayhew, Ottolini, Theriault and York.

CRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Crory, Densmore, Driscoll, Easton, Wayne King, LaMott, Mann, Scanlan, Taffe, Wadsworth and Walter.

HILLSBOROUGH: Ahrens, Barry, Lionel Boucher, Boutwell, Bridgewater, Burkush, Leslie Burns, Carragher, Chretien, Cronin, William Dion, Donovan, Ducharme, Duperron, Dwyer, Clyde Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Hendrick, Herod, Holden, Humphrey, George Jones, Keefe, Kelley, Knight, Levesque, Lown, Martin, Howard Mason, McCue, Messier, Morrisette, Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Prestipino, Raiche, Ellen-Ann Robinson, Sallada, Shriver, Steiner, Van Loan, Vanderlosk, Wagner, Geraldine Watson, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Jelly, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Pannell, Pantzer, Phelps, Rehlander, Linwood Rogers, Savaria, Gerald R. Smith, Wallner and West.

ROCKINGHAM: Ames, Benton, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Connors, Day, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas

Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Joslyn, George Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Palumbo, Pevear, Popov, Sanderson, Scamman, Sloan, Sochalski, Stachowski, Vartanian, Walker and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Burton, Diamant, Dingle, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Meader, O'Brien, Bruce Packard, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Call, D'Amante, Ingram, Lindblade, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 109

BELKNAP: Bolduc, Brough, Richard Campbell, Dexter, Jensen, Matthew Locke and James J. White.

CARROLL: Dickinson, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Frink, Grodin, Elmer Johnson, Parker, Perry, Ridge, Thompson and Young.

COOS: Brungot, Coulombe, Guay, Lamontagne and Marsh.

GRAFTON: Copenhaver, Hutchings, McAvoy, Stewart, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: Arnold, August, Bass, Bernier, Boisvert, Bourdon, Bourque, Chagnon, Champagne, Charron, Clancy, Cote, Cox, Dupont, Dykstra, Joseph Eaton, Grip, Hogan, Chris Jacobson, Jasper, Labombarde, Lozeau, Nute, Reardon, Frances Riley, Mary Sullivan, Sylvia, Tamposi, Turgeon, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Worthen and Zis.

MERRIMACK: Barberia, Cailler, Daniell, George Gordon, Hayes, Mary Holmes, Arthur Locke, Roberts, Walter Robinson, Shepard and James Whittemore.

ROCKINGHAM: Bangs, Clay, Conroy, Ellyson, Emanuelson, Robert Johnson, Kane, Phyllis Katsakiores, Longworth, Parr, Raynowska, Norman Rogers, Rosencrantz, Schwaner, Seward, Sherburne, Skinner, Splaine, Sytek, Vaughn, Warburton and Welch.

STRAFFORD: Appleby, Callahan, Chamberlin, Frechette, Kincaid, Lussier and Whiting.

SULLIVAN: Brodeur, Domini and Paul Johnson, and the motion was adopted.

HCR 6 was laid upon the table.

Rep. Newcombe notified the Clerk that he wished to be recorded in favor of the motion to table HCR 6.

HB 4-FN, establishing a new formula for distributing foundation aid to the school districts. Ought to Pass with Amendment.

This bill creates a new formula for distributing state funds for education to the school districts. The formula is

based upon the property wealth of the school district, the income wealth of a school district, and the tax effort of the school district. The formula also incorporates the concept of weighted pupils, which accounts for the varying costs of educating different types of pupils. This is the most important piece of legislation to come before the Education Committee in many, many years. Vote 14-1. Rep. Jesse F. Davis for Education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a new formula for distributing foundation aid to school districts, and making an appropriation therefor, and continuing the rate of the real estate transfer tax.

Amend RSA 31-A:4, III as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

III. Of the funds distributed under subparagraph I(a), 60 percent of the aggregate funds to be distributed to the cities and towns shall be applied directly to the foundation aid distribution paid out to the school districts under RSA 198:27-34.

Amend the bill by striking out sections 11 and 12 and inserting in place thereof the following:

11 Continuing Rate of Transfer Tax. Amend RSA 78-B:1, I (supp) as inserted by 1967, 320:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$2,000 or less there shall be a minimum tax of \$20. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

12 Distribution of Funds. Amend RSA 78-B:8 (supp) as inserted by 1967, 320:1 as amended by striking out said section and inserting in place thereof the following: 78-B:8 Administration.

I. This chapter shall be administered by the commissioner of revenue administration. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form and amount of bond each register of deeds shall give. The cost of such bond shall be paid by the state as an expense of administering this chapter. Each register of deeds, or county

if the register of deeds is on a salary basis, shall be paid for his services 4 percent of the face value of the stamps or other approved indicia of payment of the tax sold in his registry, and all taxes so collected shall be remitted to the department monthly or more often. All funds received from the sale of stamps and other approved indicia shall be credited to the department for administering this chapter and shall not lapse, but whenever the amount available exceeds \$12,000, the excess shall be paid over to the state treasurer.

13 Appropriation. The sum of \$15,859,386 for the fiscal year ending June 30, 1986, and the sum of \$16,675,740 for the fiscal year ending June 30, 1987, are hereby appropriated for the purposes of section 2 of this act. This appropriation shall be a charge against the general fund. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

14 Authority to Expend Funds. Notwithstanding any other provision of law to the contrary, the local school districts are specifically authorized, for the fiscal year 1986, to apply for and expend such state aid funds to which they are entitled in accordance with the provisions of RSA 198:27-34 as inserted by this act without authorization by a school district at the district's annual meeting.

15 Repeals. The following are hereby repealed:

I. RSA 198:8, relative to the declaration of policy for state aid.

II. RSA 198:9, relative to the amount of state aid.

III. RSA 198:10, relative to the computation of foundation aid.

IV. RSA 198:10-a, relative to the time of computation of foundation aid.

V. RSA 198:10-b, relative to whom the state shall pay the foundation aid.

VI. RSA 198:11, relative to adjusting the cost of required programs, for the purposes of foundation aid.

VII. RSA 198:12, relative to unexpended appropriations for foundation aid.

VIII. RSA 198:14, relative to valuations of school districts for the purposes of foundation aid.

IX. RSA 198:15, relative to the administration of foundation aid.

X. RSA 186-C:18, V(c), relative to rulemaking authority on applying for special education aid.

16 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 412, allowing Newmarket to separate from school administrative unit number 14. Majority: Expedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee is in agreement that the issue of SAU withdrawal must be attended to. The Committee is reluctant to legislatively do what the State Board should be doing. This issue is being addressed in HB 610 which has been referred to

interim study. Vote 13-3. Rep. Monte D. Rehlander for the Majority of Education.

MINORITY: The minority feels that HB 412 should be reported out as ought to pass because Newmarket has met 90% of the criteria for SAU withdrawals set forth by the Department of Education. The Legislature has granted SAU withdrawals in past sessions based on this same criteria. The only criteria that has not been addressed by Newmarket is getting approval for withdrawal from the other towns within its SAU. The minority feels that with all other criteria having been met, that the other towns should not be able to hold Newmarket hostage. (Reps. Dennis R. Bolduc, Patricia O. Sanderson and Wayne Burton for the Minority of Education.)

Rep. Burton moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Taffe, Rehlander and William Boucher spoke against the motion.

Reps. Sanderson and Bolduc spoke in favor of the motion.

Rep. Patti Blanchette spoke in favor of the motion and yielded to questions.

Rep. Benton spoke against the motion and yielded to questions.

Rep. Sylvia spoke to the motion.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

188 members having voted in the affirmative and 152 in the negative, the motion was adopted.

Ordered to third reading.

HB 457-FN, relative to foundation aid to certain school districts. Ought to Pass with Amendment.

This bill, as amended, eliminates a unique loophole in the current Foundation Aid formula which has allowed a single town to receive a disproportionate share of funds available. This bill allows fair distribution of available funds and eliminates one of the barriers to additional Foundation Aid funding. The Committee unanimously supports this remedy. The amendment simply moves the phase-out back one more year. Vote 12-0. Rep. Cynthia W. McKee for Education.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Entitlements. Notwithstanding any other law to the contrary:

1. The amount of foundation aid to be paid for fiscal years 1987, 1988, and 1989 under RSA 198:10 to cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located, shall be adjusted as follows:

(a) In fiscal year 1987 the foundation aid payment shall be reduced by

25 percent of the difference between the amount of foundation aid the school district received in 1985 and the amount of foundation aid the school district would receive as a single school district in 1987.

(b) In fiscal year 1988 the foundation aid payment shall be reduced by 50 percent of the difference between the amount of foundation aid the school district received in 1985 and the amount of foundation aid the school district would have received as a single school district in 1988.

(c) In fiscal year 1989 the foundation aid payment shall be reduced by 75 percent of the difference between the amount of foundation aid the school district received in 1985 and the amount of foundation aid the school district would have received as a single school district in 1989.

II. However, each district included in paragraph I shall receive no more foundation aid than the following percentages for the following fiscal years, of the foundation aid which the district received in fiscal year 1985:

- (1) In 1987, no more than 75 percent;
- (2) In 1988, no more than 50 percent;
- (3) In 1989, no more than 25 percent.

III. If the amount of foundation aid to which any cooperative school district shall be entitled is less than that township would have received as a single school district, the cooperative school district shall receive the greater amount which it would have received as a single school district.

IV. The amount of foundation aid to be paid for fiscal year 1990 and for each fiscal year thereafter to a cooperative school district described in paragraph I shall be computed and paid as it is for any single school district.

Amendment adopted.

Rep. Taffe offered an amendment.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Contingency. In the event that HB 4-FN of the 1985 legislative session becomes law, the provisions of sections 1 and 2 of this act shall not become effective.

4 Effective Date. This act shall take effect July 1, 1985.

The Clerk read the amendment.

Rep. Taffe explained the amendment.

Rep. Quimby spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

Rep. LaMott notified the Clerk that he wished to be recorded against HB 457.

HB 666, relative to school district budgets. Ought to Pass.

This bill allows a school district to exceed its annual budget to the extent

of State funds which it has received or expects to receive for the purposes of meeting its financial obligation for Special Education. Vote 12-4. Rep. Mary S. Nelson for Education.

Ordered to third reading.

HB 730, requiring kindergarten education in all school districts. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: At the present time, school districts may choose to include kindergarten in their programs. The Education Committee feels that, at the present time, kindergarten classes should not be mandated in all school districts. Vote 13-2. Rep. William J. Hounsell for the Majority of Education.

MINORITY: This bill should be voted Ought to Pass. Today, we recognize the importance of kindergarten to the total education of the child. In view of the highly technical and competitive world in which we live, we, the minority, feel the entire body of the New Hampshire House of Representatives should have the opportunity to express its support or opposition on this most important question. (Rep. Patricia O. Sanderson for the Minority of Education.)

Rep. Sanderson moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Hounsell spoke against the motion and yielded to questions.

Rep. Hawkins spoke in favor of the motion.

Rep. Sanderson withdrew her motion. Resolution adopted.

HB 167, establishing a department of commerce. Ought to Pass with Amendment. This legislation brings together several small agencies under a structured Department of Commerce designed as the focal point of economic planning, development, and growth for the next decade. Vote 16-3. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-I the following new chapter:

CHAPTER 21-J DEPARTMENT OF COMMERCE

21-J:1 Findings; Intent.

I. The general court finds that the commercial and economic development functions of state government are currently performed by several independent state agencies lacking common focus.

II. In order to provide unified direction for these functions the general

court enacts this chapter creating a department of commerce. By enacting this chapter, the general court intends to foster closer communication among officials responsible for economic development functions. It further intends to strengthen and emphasize the role of state government in encouraging a diversified state economy, and to provide improved management direction and an unambiguous charge to state commerce.

21-J:2 Establishment; General Functions.

I. There is hereby established the department of commerce, an agency of the state under the executive direction of the commissioner of commerce.

II. The department of commerce, through its officials, shall be responsible for the following general functions:

(a) Fostering the growth of industry and other commercial enterprises in New Hampshire which will contribute to the overall improvement of the economy of the state. The department shall encourage new enterprises and the expansion of existing enterprises and activities with the goal of improving both the quantity and quality of job opportunities for citizens of the state. The department shall coordinate and cooperate with other government entities at all levels to develop optimum conditions for economic development.

(b) Regulating certain business enterprises and activities with the goal of fostering a favorable business climate and protecting the affected interests of the state's consumers.

(c) Providing administrative services and assistance to all non-health related licensing boards.

21-J:3 Commissioner; Directors; Compensation.

I. The commissioner of the department of commerce shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified to hold that position by reason of education and experience.

II. The commissioner shall nominate each division director for appointment by the governor with the consent of the council. The division directors shall serve for a term of 4 years. Directors shall be qualified to hold their respective positions by reason of education and experience.

III. The salaries of the commissioner and each division director shall be as specified in RSA 94:1-a.

21-J:4 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of commerce, he shall:

I. Represent the public interest in the administration of the functions of the department of commerce and be responsible to the governor, the general court and the public for such administration.

II. Require the director of the division of administration, in consultation with the comptroller and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

III. Adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

IV. With regard to economic development, accomplish the following:

(a) Prepare and continuously update an economic development needs assessment document, which shall be a public document.

(b) Prepare and present to the governor biennially, not later than the date specified for submission of expenditure requirements in RSA 9:4, a proposed economic development plan for the ensuing biennium. The governor shall transmit this plan to the general court not later than February 15 of each odd-numbered year. The general court may endorse or otherwise comment upon this plan by joint resolution.

(c) Consult with, and receive cooperation from, the following agencies and organizations, or their successors:

- (1) Industrial development authority.
 - (2) Department of agriculture.
 - (3) Office of state planning.
 - (4) Department of public works and highways.
 - (5) Department of post-secondary vocational-technical education.
 - (6) Department of education.
 - (7) Job partnership training council.
 - (8) Department of employment security.
 - (9) Housing finance authority.
 - (10) Aeronautics commission.
 - (11) All state agencies with environmental protection responsibilities.
- This listing shall not preclude consultation with other governmental entities which the commissioner deems necessary.

V. Have authority to publish for general distribution and to sell reports, charts, surveys or other documents calculated to advertise the cultural offerings, attractions and resources of the state.

VI. Collect and account for all fees, funds, taxes or assessments levied upon any person subject to the jurisdiction of the department of commerce or any of its divisions.

Division of Administration

21-J:5 Division of Administration.

There is hereby established within the department the division of administration, under the supervision of an unclassified director of administration who shall, in accordance with applicable laws:

I. Be responsible to provide for the following functions:

- (a) Accounting, purchasing, and budget control.
- (b) Personnel management.
- (c) Property, contracts and grants management.

(d) Data processing.

(e) Assistance to the commissioner with short and long range department level planning activities.

(f) Oversight of the bureau of occupational and professional services.

21-J:6 Occupational and Professional Services. The division shall provide administrative support to the following occupational and professional licensing boards and commissions which shall be administratively attached agencies as defined in RSA 21-G:10:

I. Board of accountancy established in RSA 309-A.

II. Board of engineers, architects and land surveyors established in RSA 310-A.

III. Board of auctioneers established in RSA 311-B.

IV. Real estate commission established by RSA 331-A.
Division of Industrial and Commercial Development

21-J:7 Division of Development. There is hereby established within the department the division of industrial and commercial development, under the supervision of an unclassified director of industrial and commercial development who shall be responsible for the following functions, in accordance with applicable laws:

I. Promotion and encouragement of the industrial and commercial development of the state, including, but not limited to, the establishment, expansion or operation of manufacturing, retail, service, small business or other facilities and economic activities.

II. Promotion and encouragement of international trade.

III. Administration of the community development block grant program established by RSA 21-J:8 - 21-J:18.

IV. Encouragement, coordination and participation in the efforts of other public and private organizations or groups of citizens to publicize the facilities, industrial advantages and other attractions of the state in order to attract industrial concerns and other interested persons from outside the state to the state of New Hampshire.

Community Development Block Grants

21-J:8 Purpose. The purpose of this subdivision is to authorize the department of commerce to accept federal funds to administer the small cities community development block grant program, or its successor program, and to allocate these funds to cities and towns in New Hampshire in order to improve and maintain housing, and the economic and physical development of the state's municipalities, to enhance the quality of life for low and moderate income New Hampshire residents.

21-J:9 Definitions. In this subdivision:

I. "Federal act" means Title I of the Housing and Community Act of 1974, as amended, 42 U.S.C. 5301 et seq.

II. "Municipality" means cities and towns. It also means a "non-entitlement area" as defined in Title I, Section 102(a)(7) of the federal act.

III. "Entitlement municipality" means a municipality entitled to receive

funds directly from the United States Department of Housing and Urban Development under Title I, Section 106(b) of the federal act.

IV. "Governing body" means, in the case of a city, the city council or the board of aldermen or, in the case of a town, the board of selectmen.

V. "Agency" means the New Hampshire department of commerce.

VI. "Commissioner" means the commissioner of commerce.

VII. "Committee" means the community development advisory committee.

VIII. "Chief executive officer" means the chief executive of the municipality, whether the official designation is mayor, city manager, chairman of the board of selectmen, or otherwise.

IX. "Grantee" means a municipality that receives a grant under the provisions of this subdivision.

21-J:10 Program Goals. In allocating funds under the community development block grant program, the agency shall give priority to activities that:

I. Benefit low and moderate income families.

II. Aid in the prevention or elimination of slum or blight.

III. Pose a serious and immediate threat to the health and welfare of the community where no other financial resources exist to meet such needs.

21-J:11 Eligible Activities. A wide range of community development activities shall be eligible for funding. These may include, but are not limited to:

I. The acquisition, rehabilitation, or expansion of housing.

II. The creation, expansion, or retention of employment through the stimulation of private investment and community revitalization.

III. The installation, rehabilitation, or replacement of public facilities.

IV. Activities that test the feasibility of innovative approaches to community development.

V. Activities that provide timely responses to unpredictable circumstances or special development opportunities.

21-J:12 Grant of Powers to Municipalities.

I. All municipalities not designated as entitlement municipalities under the federal act are authorized to apply with the agency for funds and are granted such additional authority and power, essential and incidental, as may be necessary for the administration of this program.

II. Prior to filing an application under this subdivision, a municipality shall:

(a) Through action by the governing body, adopt or pass an official act or resolution authorizing the filing of the application and directing the chief executive officer or designee to act in connection with the application and to provide such information as may be required.

(b) Hold at least one public hearing to obtain the views of citizens on community development, to furnish the

citizens with information concerning the amount of funds available and the range of community development activities that may be undertaken under this subdivision and to give affected citizens an opportunity to examine a proposed statement to the projected use of such funds. A notice of the hearing shall specify the grounds for the hearing as well as the date, time and place. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the municipality and a legal notice of the hearing shall also be posted in at least 3 public places in such city or town at least 14 days prior to the hearing. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within the period.

(c) The chief executive officer shall certify that the municipality will comply with the provisions of this subdivision and with other applicable federal and state laws and rules as may be determined by the agency and the federal government.

21-J:13 New Hampshire Community Development Advisory Committee.

I. There is hereby established the community development advisory committee which shall be provided staff and administrative assistance by the agency.

II. The committee shall consist of 9 voting members as follows:

(a) The commissioner of commerce or his designee, who shall serve as chairman of the committee.

(b) The director of the division of industrial and commercial development, department of commerce, or his designee.

(c) The executive director of the New Hampshire housing finance authority or his designee.

(d) Six public members, at least 3 of whom shall be municipal officials, who shall be appointed by and serve at the pleasure of the governor.

III. The 6 public members shall be paid their actual expenses incurred in performing their duties under this subdivision and shall be paid mileage at the same rate as state employees.

IV. A majority of the members of the committee shall constitute a quorum.

V. No person who receives a significant portion of his income directly or indirectly from the community development activities governed by this subdivision shall be a member of the committee.

21-J:14 Duties of the Committee. The committee shall advise the commissioner in the development of rules for administering this subdivision and developing criteria for the allocation of funds provided under the federal act.

21-J:15 Duties of the Commissioner.

I. The commissioner, with the advice of the committee shall:

(a) Adopt rules, pursuant to RSA 541-A, relative to:

(1) The application process.

(2) Criteria and procedures for evaluating applications submitted by eligible municipalities.

(3) Procedures for the administration of program activities and funds by grantees.

(4) Procedures for monitoring grantees and for hearings.

(5) Procedures for expeditious consideration of applications and allocations made under RSA 21-J:17.

(b) Make final awards of grants and enter into contractual relationships with grantees for administering funds.

II. The commissioner shall provide advice and assistance to municipalities in dealing with community development concerns and problems.

III. The commissioner is authorized to accept federal funds to administer the small cities community development block grant program in accordance with the provisions of this subdivision.

21-J:16 Procedures for Administration.

1. All funds allocated to the state under the federal act, except for an amount not exceeding the maximum allowable under the federal act available to the state for administrative costs, shall be allocated to eligible municipalities.

II. All municipalities shall be eligible to apply for and receive funds under this subdivision except for entitlement municipalities.

III. The allocation system shall be competitive and shall provide the opportunity for any eligible municipality to compete for funding for community development projects.

IV. The agency shall solicit applications from eligible municipalities. Any eligible municipality desiring to receive funds under this subdivision shall complete and submit an application in accordance with the rules adopted under RSA 21-J:15.

V. The commissioner shall evaluate the relative merits of the applications based on the rules, criteria and procedures adopted under RSA 21-J:15.

21-J:17 Multi-Year Commitments.

I. Those municipalities that received commitments of multi-year funds in federal fiscal year 1981 under the provisions of the federal act shall be assured of funding to the extent of such commitments, provided such municipalities request the state to honor such funding commitments and the Secretary of the United States Department of Housing and Urban Development has provided the commissioner with a determination that any such municipality has performed adequately with respect to such previously distributed funds.

II. Those municipalities eligible to receive funding under the provisions of this section and so requesting such funding shall make application to the agency in a manner as shall be determined by the commissioner. To expedite applications and allocations under this section, the commissioner is authorized to fund and contract with such multi-year commitment municipalities without adoption of state rules if municipal programs are consistent with prior federal multi-year program

approval and federal regulations are followed.

III. The commissioner, with the advice of the committee, may allow the municipalities making application under this subdivision to amend their programs to the extent that the program so amended meets the intent and purpose of this subdivision.

21-J:18 Remedies for Noncompliance.

I. If the commissioner finds, after reasonable notice and opportunity for hearing, that a grantee under this subdivision has failed to comply substantially with the provisions of this subdivision, the rules adopted under this subdivision or applicable provisions of federal law, the commissioner, until he is satisfied that there is no longer any such failure to comply, may:

- (a) Terminate payments to the grantee under this subdivision; or
- (b) Limit the availability of payments under this subdivision under such conditions as he may establish.

II. In lieu of or in addition to any action authorized in paragraph I, the commissioner may refer the matter to the office of the attorney general of the state of New Hampshire with a recommendation that an appropriate civil action be instituted.

21-J:19 Area Industrial Agents.

I. There shall be a special position in the division of industrial and commercial development of the department of commerce to be known as area industrial agent for the counties of Coos, Grafton, and Carroll. The commissioner of the department shall employ, subject to the personnel laws of the state, such area industrial agent for said counties, who shall be fully qualified by specific training and experience and who shall work under the supervision of the director of industrial and commercial development. He shall maintain his residence in one of the 3 counties and his duties shall be primarily concerned with, but not limited to, assisting the political subdivisions of the state, regional development organizations or groups, and individuals to maintain and expand existing industries and to encourage, assist, and aid new industries to establish operations in Coos, Grafton, and Carroll counties, and his efforts shall be directed to the industrial and commercial development of the 3 counties.

II. There shall be 2 area industrial agents-at-large in the division of industrial and commercial development of the department of commerce. The commissioner of the department shall, subject to the personnel laws of the state, employ 2 area industrial agents-at-large, who shall be fully qualified by specific training and experience and will work under the supervision of the director of the industrial and commercial development office. The duties of said agents shall be primarily concerned with, but not limited to, assisting the political subdivisions of the state, regional development organizations or groups, and individuals to maintain and expand existing industries and trade. Agents-at-large shall work in those areas of the state which have the most need for industrial growth.

Division of Tourism

21-J:20 Division of Tourism. There is established within the department a division of tourism under the supervision of an unclassified director of tourism who shall be responsible for the following functions, in accordance with applicable laws:

I. Promotion and encouragement of:

- (a) Tourism generally.
- (b) The state parks.
- (c) The state's historical

resources.

- (d) Fish and game activities.
- (e) Film making in the state.

II. Promotion and encouragement of all recreational and cultural offerings and activities.

III. Have authority to participate in package plan programs as follows:

(a) As used in this paragraph the following words shall have the following meanings:

(1) "Voluntary

corporation" means a corporation organized under RSA 292, dedicated by its articles of agreement and bylaws to serve and promote the recreational interests of the state of New Hampshire or a section of the state and which may number among its members certain corporations actively engaged in developing and promoting recreational facilities in the state of New Hampshire.

(2) "Package plan

program" means a method of selling tickets by which the department of commerce, in conjunction with a voluntary corporation, offers for sale to the general public interchangeable or reciprocal tickets for services and accommodations, or both, in connection with recreational facilities of both the state and the voluntary corporation or any of its members. The charges for services and accommodations when sold in this manner may be less than when sold individually.

(b) The commissioner of commerce, with the approval of the governor and council, may participate in package plan programs with a voluntary corporation as defined in this paragraph. Notwithstanding any other provisions of law, this participation may include entering into such agreements with the voluntary corporation as are in the best interests of the state, which agreements may relate to the development, promotion, administration, and sales of package plan programs. Such agreements may permit the voluntary corporation to deduct from ticket sales revenue, in an amount not exceeding 15 percent of total receipts, those reasonable and legitimate costs, including ticket procurement, that are restricted to developing and maintaining the package plan program. The voluntary corporation shall keep all revenue received by it from such a package plan program in a separate bank account established in a manner mutually agreeable to the participants in the package plan program. The revenue received from the sale of package plan program tickets by the state shall be deposited with the state treasurer and refund of revenue manifests shall be made in like amount to the

treasurer of the voluntary corporation for deposit in the separate bank account. The treasurer of the voluntary corporation shall, at least weekly or upon demand, reimburse the state the predetermined amount for services the state may have provided. The provisions of this section shall have full force and effect notwithstanding any inconsistent or contrary provisions of RSA 219:20.

21-J:21 Joint Promotional Program. There is hereby established a joint promotional advertising program to carry out the function of the division of tourism specified in RSA 21-J:20, I and to promote and encourage tourism and the tourist industry. In order to achieve this objective:

I. The department of commerce shall administer a joint promotional advertising program in cooperation with the New Hampshire travel council. The funds appropriated for this program shall be expended for grants for advertising programs entered into with independent groups or organizations which are designed to promote travel and tourism in the state of New Hampshire.

II. The funds shall be expended, provided that 50 percent matching funds are paid by private sources. Such grants shall be given only to regional associations, state-wide tourist groups, chambers of commerce or other promotional organizations as may be certified by a select committee of the travel council, with the approval of the commissioner of commerce. Such grants shall only be given to those organizations which have been in existence for at least 3 years prior to the date of the grant application.

III. Grant applications shall be screened by a select committee appointed by the New Hampshire travel council and the commissioner of commerce. The travel council shall appoint 7 of its members who shall be representatives of a chamber of commerce, regional association, ski area, attraction, campground or lodging. The commissioner shall appoint 2 members to the select committee. After reviewing grant applications, the select committee shall recommend approval to the commissioner. Disapproval of any application by the select committee shall be in writing with the reasons for disapproval stated. The select committee may issue information pamphlets and other explanatory materials describing the program as it deems necessary.

IV. Grants shall not be used for administrative salaries or overhead expenses of any applicant selected for a grant. Funds appropriated for the joint promotional program shall not be transferred or expended for any other purpose.

Division of Marine and Port Services
21-J:22 Division of Marine and Port Services. There is hereby established within the department the division of marine and port services under the supervision of an unclassified director of marine and port services which shall, in accordance with applicable laws:

I. Have all of the powers, duties and obligations and perform all of the functions of the New Hampshire State Port Authority under RSA 271-A;

II. Have all of the powers, duties and obligations and perform all of the functions of the bureau of marine services of the department of resources and economic development with respect to state-owned commercial fishing piers and facilities and, in addition, to promote, encourage and assist the commercial fishing industry;

III. Have all of the powers, duties and obligations necessary and perform all of the functions granted it by law to regulate, establish facilities for, and promote salt-water recreational boating.

Advisory Boards

21-J:23 Commerce Advisory Board.

I. There is hereby established a commerce advisory board, consisting of 11 members, as follows:

(a) The commissioner of commerce, or his designee.

(b) The commissioner of banking, or his designee.

(c) The director of the division of industrial and commercial development, or his designee.

(d) The director of the division of marine and port services, or his designee.

(e) The director of the office of state planning, or his designee.

(f) A member, appointed by the governor and confirmed by the executive council, selected from the private industrial development interests of the state.

(g) A member, appointed by the governor and confirmed by the executive council, selected from the environmental interests of the state.

(h) Two members, appointed by the governor and confirmed by the executive council, selected from a chamber of commerce or some other business promotional organization of the state.

(i) A member, appointed by the governor and confirmed by the executive council, selected from a tourism promotional organization of the state.

(j) A member, appointed by the governor and confirmed by the executive council, selected from one of the marine industries of the state who is also a member of the marine services advisory board.

II. The members holding offices in the state government shall be members of the board only as long as they hold such offices and shall be voting members of the board. The remaining members shall be appointed for 4-year terms, except that initially 3 members shall be appointed for 4-year terms and 2 members shall be appointed for 2-year terms. There shall be one member at all times from Carroll or Coos or Grafton counties. No member shall serve for more than 2 consecutive terms. They shall meet no less than once each quarter.

III. The board members shall receive no compensation but the public members shall be reimbursed for their expenses.

IV. The board shall advise the commissioner in carrying out the functions of the department, assist in and guide long-range planning of the state's industrial and commercial development,

tourism and marine services efforts and perform such other functions as the governor and council, the legislature or the commissioner of commerce may request of it.

21-J:24 Marine and Port Services Advisory Board.

I. There shall be a marine and port services advisory board consisting of 5 members as follows:

(a) A member, appointed by the governor and confirmed by the executive council, selected from shipping interests of the state who shall be a resident of the seacoast area.

(b) A member, appointed by the governor and confirmed by the executive council, selected from the commercial fishing interests of the state, who shall be a resident of the seacoast area.

(c) A member, appointed by the governor and confirmed by the executive council, selected from recreational boating interests of the state, who shall be a resident of the seacoast area.

(d) A member, appointed by the governor and confirmed by the executive council, selected from the international trade interests of the state.

(e) The mayor of the city of Portsmouth then in office.

II. The first 4 named shall serve 4-year terms except that 2 shall have initial terms of 4 years and 2 shall have initial terms of 2 years. No member shall serve more than 2 consecutive terms. They shall meet no less than once each quarter.

III. The members of the board shall receive no compensation for their services but shall be reimbursed for their expenses.

IV. It shall be the function of the board to advise the director of the division of marine services and the commissioner how best to utilize, promote and regulate the port authority facilities, any other state-owned shipping facilities and shipping in general, any state-owned commercial fishing facilities and the commercial fishing industry in general, recreational salt water boating facilities and recreational salt water boating generally.

2 Transfers and Terminations.

I. The division of economic development and the bureau of marine services in the department of resources and economic development, and the New Hampshire state port authority are hereby abolished and all of the functions, powers, duties and responsibilities of those entities, except as provided in paragraph II of this section, and the functions, powers, duties and responsibilities of the officials of those entities, except as provided in paragraph II of this section, are hereby transferred to and vested in the commissioner of commerce appointed pursuant to this act.

II. The transfers provided for in paragraph I shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind formerly a part of the entities transferred by this section, or any other organizational unit, property or

personnel of the department of resources and economic development significantly involved in the administration of the functions and duties of the division of economic development and the bureau of marine services existing prior to the effective date of this section. The commissioner of commerce shall, in consultation with the commissioner of resources and economic development, determine and include in the implementation plan required by the laws of 1983, 372:14, III which organizational units, property and personnel are significantly involved in the administration of the functions, powers, duties, and responsibilities of the division of economic development and the bureau of marine services.

III. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

IV. The name of the department of resources and economic development is hereby changed to the department of parks and forests. Except as otherwise provided by this act, all the functions, powers, duties and responsibilities of the department of resources and economic development and the functions, powers, duties and responsibilities of its officials are hereby vested in the commissioner of the department of parks and forests. The transfers provided for in this section shall include, except as otherwise provided by this act all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind.

3 Transfer From Office of State Planning.

I. All of the functions, powers, duties and responsibilities of the office of state planning, and the officials of the office of state planning, relative to administering the community development block grant program, as provided for by RSA 4:12-g - 4:12-p, are hereby transferred to and vested in the commissioner of commerce appointed pursuant to this act.

II. The transfer provided for in paragraph I of this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind of the office of state planning significantly involved with administering the community development block grant program. The commissioner of commerce shall determine, in consultation with the director of the office of state planning, and include in the implementation plan required by the laws of 1983, 372:4, III, which of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations are significantly involved with administering the community development block grant program.

III. The transfers provided for in this section shall become effective on the

date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

4 Transfers from Occupational Licensing Boards.

I. All of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind of the occupational licensing boards listed in paragraph II of this section necessary to accomplish the purposes of RSA 332-G are hereby transferred to the custody and control of the commissioner of commerce. The commissioner of commerce shall, in consultation with each of the occupational licensing boards affected, determine and include in the implementation plan required by the laws of 1983, 372:4, III, an identification of the personnel, books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations necessary to accomplish the purposes of RSA 332-G.

II. The occupational licensing boards subject to the transfers provided for by paragraph I of this section include the: board of accountancy; board of engineers, architects and land surveyors; board of auctioneers; and real estate commission;

III. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date, the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

5 Transition Procedure. The transition procedure to be followed in implementing the new department established by this act shall be as specified in the laws of 1983, 372:2, 372:3, 372:4 and 372:5 and in RSA 21-G.

6 Commissioner-Designate.

I. The governor, with the consent of the council, may appoint the commissioner of commerce on or after July 1, 1985. The individual so appointed shall be known as the commissioner-designate until the department of commerce becomes operational on the date set according to the laws of 1983, 372:5, II.

II. The commissioner-designate shall assume his full powers and duties under the law when the department of commerce becomes operational on the date set according to the laws of 1983, 372:5, II. Prior to that date, the commissioner-designate shall perform only the duties prescribed by the laws of 1983, 372:4 and 372:5, and in RSA 17-L. During the period when he is preparing his implementation plan, the commissioner-designate shall be permitted to choose one clerical person from one of the entities scheduled for transfer to his department to assist him on a full-time basis.

III. The governor shall draw his warrant upon funds not otherwise appropriated to provide compensation to the commissioner-designate at the rate specified in section 9, II(a) of this act during the transition period.

7 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations

transferred from the agencies consolidated by this act to the department of commerce.

8 Changes in Authority.

I. As of the effective date for the department of commerce set according to the laws of 1983, 372:5, II, the references listed below are hereby changed as specified:

(a) All references to "the authority", "said authority", "New Hampshire state port authority" and "port authority" in RSA 271-A, and any other law of the state of New Hampshire, shall be changed to read "commissioner of commerce" or "department of commerce" as the context requires.

(b) All references to the "department of resources and economic development" shall be changed to read "department of parks and forests" in RSA 12:5; 12-A; 12-B; 31:114; 36-A:2; 36-A:6; 125:77-h; 215-A; 216; 216-A; 216-D; 216-E; 216-F; 216-G; 216-H; 218; 219; 220; 221; 223; 224; 224-A; 227-B; 227-C; 227-D; 234:31; and 483-A:1-c.

(c) All references to "rules and regulations" or "regulations" and the accompanying words, if any, directing such "rules and regulations" to be made or adopted shall be changed to read "adopt rules, pursuant to RSA 541-A" in the following statutes: RSA 12; 12-A; 12-B; 215-A; 216; 216-A; 216-D; 216-E; 216-F; 216-G; 216-A; 218; 219; 220; 221; 223; 224; 224-A; 227-B; 227-C; 227-D.

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

9 Salaries.

I. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out the following:

(a) In group I, executive director, real estate commission.

(b) In group K, coordinator of federal funds.

(c) In group L, director, port authority.

(d) In group N, director, economic development.

II. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting the following:

(a) In group T, commissioner of commerce.

10 Temporary Authority to Set Salaries.

I. The commissioner of commerce appointed pursuant to this act shall include as part of the implementation plan required by the laws of 1983, 372:4, III recommendations as to the appropriate

temporary salary level for the directors of all divisions of the department.

II. The joint committee on implementation of reorganization established by RSA 17-L shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for each division director of the department of commerce, except as otherwise provided by this act.

III. The joint fiscal committee shall recommend permanent salary levels for each division director of the department of commerce to the next regular or special session of the general court following the effective date for the department of commerce established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of commerce established pursuant to this act.

11 New Chapter. Amend RSA by inserting after chapter 332-F the following new chapter:

CHAPTER 332-G OCCUPATIONAL AND PROFESSIONAL REGULATION

332-G:1 Definitions. For the purposes of this chapter:

I. "Board" means any agency, board, commission or group included in RSA 332-G:2 or 332-G:6.

II. "Commissioner" means the commissioner of the department of commerce.

III. "License" means the document granted by a board under the licensing process which permits the person to engage in the activities of the occupation.

IV. "Regulated occupation" means an occupation or profession in which a person is either licensed, certified, or registered.

332-G:2 Bureau Established. The division of administration established in the department of commerce by RSA 21-J:6 shall provide administrative support to the following boards occupational and professional licensing boards and commissions which shall be administratively attached agencies as defined in RSA 21-G:10:

I. The board of accountancy established by RSA 309-A.

II. The board of engineers, architects and land surveyors established by RSA 310-A.

III. The board of auctioneers established by RSA 311-B.

IV. The real estate commission established by RSA 331-A.

332-G:3 Duties and Functions.

I. The commissioner of commerce shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including, but not limited to:

(a) Notice of board meetings and other communication services.

(b) Recordkeeping of board meetings, proceedings and actions.

(c) Recordkeeping of all persons licensed, regulated or certified by a board.

(d) Administration of examinations.

(e) Administration of license or certificate issuance or renewal.

(f) Preparing a consolidated statement of the budget requests of all the boards in RSA 332-G:2.

(g) Consolidating office space, recordkeeping, and data processing services.

II. In addition, the commissioner may coordinate licensing or certification renewal cycles, examination schedules or other routine activities to efficiently utilize bureau staff, facilities and transportation resources, and to improve accessibility of board functions to the public.

III. The commissioner shall prepare an annual report to be presented to the governor and council which may include recommendations regarding operations of the boards including adoption of standardized license renewal cycles wherever feasible.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the duties and functions assigned to him pursuant to RSA 332-G:3.

V. This chapter shall not be construed to authorize the commissioner of commerce to limit the statutory powers and functions delegated to any board or commission which is subject to the provisions of this chapter.

332-G:5 Designation and Assignment of Staff. The commissioner shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

Complaints Review Process

332-G:6 Complaints Review Process.

I. Any complaints against any person regulated under this chapter shall be in written form and signed by the complainant. It shall contain the details and date of the occurrence, the name of the person against whom the complaint is made, and the address of the complainant.

II. The commissioner shall receive complaints and notify the appropriate board of such complaints. The board shall forward to the commissioner any complaint delivered to it.

III. The commissioner shall refer all complaints to an investigator for investigation and report. Investigators shall prepare a written report of the results of each investigation. A report shall have appended to it any documentary or other physical evidence, including statements of witnesses, obtained by the investigator.

IV. Copies of the written report with appendices shall be mailed or delivered to the complainant, the person complained against, and the board within a reasonable time after receipt of the complaint by the bureau. In the absence of unusual circumstances, a reasonable time shall be 30 days.

V. Within a reasonable time after the receipt of the report of the investigator, the board shall determine whether to reject the complaint as not stating a violation of any statute administered by the board or any rule adopted by the board, or to hold a hearing on the complaint. Both the complainant and the person complained against shall be notified immediately of the decision of the board.

VI. The commissioner of commerce shall adopt rules, pursuant to RSA 541-A, relative to the withholding of the names of complainants and the person complained against during investigations.

332-G:8 Hearing Officers and Hearing Process.

I. The commissioner shall maintain a list of qualified hearing officers for the use of the boards. If requested by a board, the administrator shall select a hearing officer from the list for the hearing. The administrator shall not select any hearing officer who:

(a) Has engaged in the practice of the occupation regulated by the board at any time within 5 years immediately preceding his appointment;

(b) Has a parent, child, spouse, brother or sister who is engaged in the practice of the occupation regulated by the board;

(c) Has a personal financial interest in the occupation;

(d) Is engaged in a competing occupation; or

(e) Is related by affinity or consanguinity to any of the board members.

II. At the direction of the board, a hearing officer may hear the parties, report the facts, and make recommendations to the board, in lieu of a board hearing.

III. In a hearing under this section, neither the board nor a hearing officer shall be bound by technical rules of evidence or procedure, but may exclude irrelevant, unreliable, or repetitious evidence.

IV. In all cases, the board shall retain the authority to finally determine questions of fact, whether action shall be taken, and what form such action shall take.

V. Hearing officers shall be paid reasonable hourly compensation as determined by rule of the commissioner adopted pursuant to RSA 541-A.

332-G:9 Rehearings and Appeals. Rehearings and appeals of orders of the board or the commissioner shall be in accordance with RSA 541. Whenever a board offers to grant a rehearing, the rehearing shall be before the board.

12 Administration; Board of Accountancy. Amend RSA 309-A by inserting after section 21 the following new section:

309-A:22 Administration. The board shall receive administrative assistance as provided in RSA 332-G.

13 Administration; Board of Engineers, Architects and Land Surveyors. Amend RSA 310-A by inserting after section 1 the following new section:

310-A:1-a Administration. The boards established under this chapter shall receive

administrative assistance as provided in RSA 332-G.

14 Administration; Board of Auctioneers. Amend RSA 311-B by inserting after section 14 the following new section:

311-B:15 Administration. The board shall receive administrative assistance as provided in RSA 332-G.

15 Administration; Real Estate Commission. Amend RSA 331-A by inserting after section 10 the following new section:

331-A:11 Administration. The commission shall receive administrative assistance as provided in RSA 332-G.

16 Real Estate Commission. Amend RSA 331-A:1-c as inserted by 1967, 329:1 as amended by striking out said section and inserting in place thereof the following:

331-A:1-c Powers and Duties. The commission shall adopt an official seal. The commission shall make a biennial report to the governor and council by September 1 of each even-numbered year. The report shall include an account of its actions, the practical effects of the application of this chapter, and any recommendations for legislation.

17 Correct Reference. Amend RSA 5:13 by striking out said section and inserting in place thereof the following:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, and the board of registration in optometry shall each function within the department of state as a separate organizational entity, as heretofore constituted, and with all the powers and duties as heretofore provided, except as otherwise specified herein.

18 Repeals. The following are hereby repealed:

I. RSA 4:12-g; 4:12-h; 4:12-i; 4:12-j; 4:12-k; 4:12-l; 4:12-m; 4:12-n; 4:12-o; and 4:12-p, relative to community development block grants.

II. RSA 12-A:1-c; 12-A:1-e; 12-A:7-a; 12-A:11; 12-A:13; 12-A:15; and 12-A:16, relative to certain functions of the department of resources and economic development.

III. RSA 271-A:1; 271-A:1-a; 271-A:1-b; and 271-A:1-c, relative to the port authority and its director.

19 Incumbent Members. The members of the port authority board in office on the operational date for the department of commerce shall be appointed as members of the marine and port services advisory board established under RSA 21-J:24.

20 Effective Dates.

I. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, II(a), 10, 19 and 20 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect when the department of commerce becomes operational on the date set according to the laws of 1983, 372:5, II.

Amendment adopted.

Ordered to third reading.

HB 288, relative to the personnel division, department of administrative services. Ought to Pass with Amendment.

This bill, as amended, is a housekeeping bill containing several changes requested by the Commissioner of Administrative Services. It also tightens up the public bidding process and broadens and clarifies access to public records of the state. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the duties and responsibilities of the department of administrative services.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivisions. Amend RSA 21-I by inserting after section 14 the following new subdivisions:

Purchase of Supplies

21-I:15 Sundry Materials and Supplies.

I. The director of plant and property management may purchase materials and supplies in advance of requisition by state departments and institutions, and such purchases shall be a charge against each departmental or institutional appropriation upon requisition and delivery.

II. The state treasurer upon presentation by the director of plant and property management of manifests covering said supplies is authorized to pay the same from any money in the treasury not otherwise appropriated.

III. The director of plant and property management is authorized to assess a fair and equitable charge with respect to such materials and supplies, such charge to be made against the departmental or institutional appropriation upon requisition and delivery. Such charges shall be sufficiently high to defray all administrative, warehousing, processing, distribution and transportation costs incurred by the division of plant and property management plus the cost of supplies necessary to the operation of the division.

IV. The funds arising from such charges shall be separately accounted for, and are hereby appropriated to and made available for expenditure by the director of plant and property management subject to the approval of the commissioner of administrative services, for the purposes set forth in paragraph III.

21-I:16 Furniture. All furniture bought shall be charged to the proper department, and shall not be a charge upon

the appropriation for the care, maintenance, and repair of the state buildings.

21-I:17 Additional Purchasing Authority.

I. The director of plant and property management may purchase supplies for any county, city, town, school district, special district or precinct or any other governmental subdivision whenever the governing body thereof so desires and the director deems that he can make such purchases advantageously.

II. The director of plant and property management may purchase supplies for the New Hampshire College and University Council, a nonprofit New Hampshire corporation, whenever its governing body so desires and the director deems that he can make such purchases advantageously.

21-I:18 Exemptions. To the extent indicated in this section, the following agencies and purchases are exempted from the provisions of this chapter. All exempt purchases shall be made in accordance with the existing laws governing such purchases:

I. The university system of New Hampshire shall not be required to make any purchases through the director of plant and property management, unless it wishes to do so. If it does, the director shall be required to follow the provisions of this chapter. The university system shall make purchases under competitive bidding requirements except when waived by the chancellor of the university system or his authorized agent upon written justification.

II. The purchasing powers now vested in the state liquor commission by RSA 176:10, 176:13, and 177:1 shall remain in effect. All other purchases by or for said commission shall be subject to the provisions of this chapter.

III. The legislature, court systems and the state reporter are completely exempted from the provisions of this chapter.

IV. This chapter shall not apply to any contracts made or entered into by the director of plant and property management or any agency under the terms of which contractors with the state purchase their own supplies directly.

V. The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this chapter.

VI. All state agencies are exempted in the matter of the purchase of books and periodicals only. All purchases shall be made by the state librarian in accordance with appropriate rules adopted under RSA 541-A.

VII. The purchase of gaming tickets and their dispensing equipment by the sweepstakes commission. The commission shall make such purchases under competitive bidding requirements, except when waived by the commission or its authorized agent with written justification.

21-I:19 Handicapped-Made Products and Services. Notwithstanding any other provision of law to the contrary, whenever handicapped-made products or services of handicapped persons are available, the director of plant and property management may purchase the same at their fair market value in accordance with the following:

I. The director shall determine the fair market price on all suitable products manufactured by the handicapped and services rendered by the handicapped and offered for sale to the state or any of its agencies by any charitable non-profit agency for the handicapped, which is incorporated under the laws of this state, and which manufactures merchandise and provides services within the state and which is approved for such purpose by the director of the division of plant and property management. The director shall revise such prices from time to time, in accordance with changing market conditions, and shall adopt such rules regarding specifications, time of delivery and other relevant matters as are necessary to carry out the provisions of this section. At the request of the director of plant and property management, the commissioner of education shall assist the director in distributing requests for handicapped-made goods and services among approved agencies for the handicapped.

II. If products or services are available for procurement from any department or agency of the state, and procurement therefrom is required by the provisions of any other section of this chapter or any other law, procurement of such products shall be made in accordance with such other provisions of law.

Certain State Contracts

21-I:20 State Contracts; Withholding Percentage of Money Due. Under any contract made or awarded by a state agency which exceeds a total of \$500,000 and on which a state agency withholds a percentage of the money due the contractor until the state agency has accepted the contract, the contractor may withdraw the whole or a portion of the amount retained under the following conditions:

I. A negotiable certificate of deposit, United States treasury notes, United States treasury certificates of indebtedness, United States treasury bills, or bonds or notes of the state of New Hampshire or of any political subdivision of the state of New Hampshire in an amount equivalent to the amount to be withdrawn shall be first deposited with the treasurer of the state of New Hampshire. The initial amount deposited shall be at least \$10,000. No amount shall be withdrawn in excess of the market value of the securities at the time of deposit or the par value of such securities, whichever is lower. The minimum value of any individual security shall be \$5,000.

II. With prior notification to the contracting agency of the state and the state treasurer, the contractor shall be allowed to substitute securities for those deposited under paragraph I; provided that the market value of the new securities at the time of substitution or the par value of such securities, whichever is lower, shall be equal to or exceed the amount withheld by the state agency.

III. The state treasurer shall collect all interest or income when due on the obligations so deposited and shall pay

the same, when and as collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the state treasurer shall deliver each coupon as it matures to the contractor. The state treasurer shall have the power to enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England for custodial care and servicing of any securities deposited with him under this section. Such services shall consist of the safekeeping of the securities and of all services required to effect the purposes of this section.

IV. Any amount deducted by a state agency, pursuant to the terms of the contract, from the retained payments due the contractor shall be deducted, first from that portion of the retained payments for which no security has been substituted, then from the proceeds of any deposited security. In the latter case, the contractor shall be entitled to receive interest, coupons, or income only from those securities which remain after such amount has been deducted.

V. Any assignment of retained payments made by the contractor shall be honored by the state treasurer as part of the procedure to accomplish the substitution of securities under this section, provided that the assignment shall not be made without prior approval by the contracting state agency and the state treasurer. The assignment shall not impair the equitable rights of the contractor's surety in the retained payments, in the securities substituted for retained payments in the event of the contractor's default in the performance of the contract, or in the payment of labor and material bills or other obligations covered by the surety's bond.

21-I:21 Rulemaking of State Treasurer. The state treasurer may adopt rules, pursuant to RSA 541-A, relative to the substitution of securities for the amount retained on state contracts.

21-I:22 Selection of Engineers and Architects.

I. As used in this section:

(a) "Engineering and architectural services" includes those professional services of an engineering or architectural nature, as well as incidental services that members of these professions and those in their employ may logically and justifiably perform.

(b) "Members of these professions" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice in this state the professions of engineering or architecture.

II. The general court hereby declares that it shall be the policy of the state and its agencies to negotiate contracts for engineering and architectural services on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices and to encourage members of these professions engaged in the lawful practice of their profession to

submit to agency heads, annually, a statement of qualifications and performance data.

III. Each agency shall prepare a description of its procedures for procurement of architectural and engineering services. The agency head, for each proposed project, shall review and consider the current statements of qualifications and performance data and availability of not less than 3 firms. He shall, for purposes of negotiation, arrange the firms deemed to be best qualified in order of preference as determined in accordance with the prescribed procedures of the agency.

IV. The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the state. In making such determination, the agency head shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered.

V. Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the state, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

VI. Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

Workers' Compensation Commission for State Employees

21-I:23 Workers' Compensation Commission for State Employees.

I. There is hereby established within the department of administrative services a workers' compensation commission for state employees. The commission shall adopt rules, pursuant to RSA 541-A, relative to processing claims of state employees in accordance with the provisions of RSA 281 and in accordance with rules adopted by the commissioner of labor which are applicable to insurance carriers.

II. The commission shall consist of 3 members appointed by the governor with the advice and consent of the council. The commission shall be composed as follows: one member shall be an attorney admitted to practice in New Hampshire; one member shall be a licensed physician; and one member shall be from the labor field.

III. Members of the commission shall serve for staggered terms of 3 years. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term. The governor shall designate one of the members

as chairman. Two members shall constitute a quorum. Members shall receive \$75 for each day devoted to the work of the commission and shall be reimbursed for their reasonable expenses in connection with their official duties. The governor and council may remove any member of the commission as provided in RSA 4:1.

IV. In order to facilitate the prompt payment of state employee workers' compensation benefits, the commission shall delegate limited authority to the commissioner of administrative services who shall designate qualified personnel in the department of administrative services to review all state employee workers' compensation claims and to make an initial determination of the merits of such claims.

V. The commission shall meet as often as necessary to review all claims by state employees after they have been determined as provided in paragraph IV and shall make a final determination of such claims. Any person aggrieved by the determination of the commission shall have the right to appeal for a hearing in the department of labor as provided in RSA 281:37 and RSA 281:40.

VI. The commission shall:

(a) Make an annual report to the governor and council on its activities.

(b) Advise the governor and council on problems involving workers' compensation procedures for state employees and make recommendations for changes thereof.

(c) Compile work injury data relative to state employees which shall be included in their annual report.

(d) Employ such clerical assistants as it shall deem necessary to carry out its functions.

VII. Departments, agencies, and institutions of the state shall comply with all provisions of RSA 281 and all applicable rules adopted by the commissioner of labor in the same manner as any other employer. The heads of such departments, agencies, and institutions shall designate one or more members of their staff to act in the capacity of workers' compensation agent.

21-I:24 Authority for Payment. The commissioner of administrative services is hereby authorized to pay such sum or sums as may be awarded to state employees under the provisions of RSA 281. If the injured claimant was employed in a department or agency which has received a legislative appropriation for this purpose, the commissioner of administrative services shall charge said sum or sums to the legislative appropriation. In the event there are not sufficient funds appropriated to the commissioner of administrative services to make payments hereunder, the governor upon request of the commissioner of administrative services is authorized to draw his warrant for such sums from any money in the treasury not otherwise appropriated; provided that payments made to employees paid from the highway fund shall be a charge upon said highway fund, that payments made to employees paid from the fish and game fund shall be a charge upon said fish and game fund, that payments made to employees paid from special funds shall

be a charge upon said special funds, and that payments made to employees paid from other funds shall be a charge upon the general fund.

21-I:25 Exception. If federal regulations prohibit the direct assessment of payments made pursuant to the provisions of RSA 21-I:24, said payments shall be a charge against the general fund in the first instance and such recovery as is authorized and under such conditions as prescribed by federal regulations shall be made by each affected agency.

State Employees Group Insurance

21-I:26 Purpose and Policy. This subdivision is to provide permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits for New Hampshire state employees and their families, and retired state employees and their spouses. In view of the accepted value of group insurance to the well-being and efficiency of employees on the part of small and large private employers and the other 5 New England states in obtaining benefits of this type of insurance for their employees, the state of New Hampshire implements this subdivision in order that the state shall compare favorably to the standards now commonly accepted by private employers and the state employees in the other 5 New England states by making available to state employees and their families and retired state employees and their spouses permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits.

21-I:27 Administration. Administration of the state employees permanent group life and group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits shall be the responsibility of the commissioner of administrative services.

21-I:28 Contract. The commissioner of administrative services shall be authorized to enter into permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits contracts with an insurance company or companies, or other group licensed to do business in the state of New Hampshire. The commissioner of administrative services shall from time to time assess the medical insurance coverage given by its present insurer and by others in order to determine which of various contracts would best serve the interests of the state employees.

21-I:29 Permanent Group Life Insurance. The state shall provide a permanent life insurance, accidental death and dismemberment group plan for all permanent state employees. The permanent group life insurance program shall provide for a \$1,000 face value death benefit with a paid up value upon retirement or leaving state service. The state shall pay the term portion of the life insurance premium and the state employees shall pay for the permanent portion of the life insurance premium on payroll deduction.

21-I:30 Medical and Surgical Benefits. The state shall pay the full premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee and his spouse or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

21-I:31 Dividends. Any dividends which may be received from this life insurance program and the group hospitalization, hospital medical care, surgical care and other medical and surgical benefits shall be paid to the state to be used to extend greater coverage by increasing the face value of the life insurance program.

21-I:32 Eligibility. Only full time state employees shall be authorized to participate, on a voluntary basis, in the permanent group life insurance program. All full time state employees and retired state employees shall be authorized to participate, on a voluntary basis, in the group hospitalization, hospital medical care, surgical care and other medical and surgical benefits program.

21-I:33 Leave of Absence. Employees who are participating in the permanent group life insurance program, and who go on an approved leave of absence, may have their permanent group life insurance program continued by the payment to the state of the term portion of the life insurance premium during such leave of absence up to a maximum period of one year.

21-I:34 Age Limit. There shall be no age limit to participate in either the permanent group life insurance or in the group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits program.

21-I:35 Examinations. There shall be no physical examination or health statement required for coverage under either the permanent group life insurance or group hospitalization, hospital medical care, surgical care and other medical and surgical benefit programs; provided, however, that, if a state employee otherwise eligible fails to apply for any such insurance coverage within the time required by the insurance contract, the insurer may require that the employee submit satisfactory evidence of insurability as a condition for becoming insured.

21-I:36 Hearings. The commissioner of administrative services shall have the power to hold hearings and make inquiries as he deems necessary to carry out his functions and exercise his powers under the provisions of this chapter. For the purpose of such hearings and inquiries, the commissioner of administrative services shall have the power to administer oaths and affirmations, to

examine witnesses and documents, to take testimony and receive evidence, and to compel the attendance of witnesses and the production of documents by the issuance of subpoenas.

Data Processing

21-I:37 Federal Exceptions. If any department or agency of the state is advised by the federal government that its data processing equipment or its forms, methods or techniques in utilizing said equipment do not comply with any federal rule, regulation or law, then the governor and council may authorize the department or agency to alter its data processing equipment or its forms, methods or techniques to comply with any such rule, regulation or law. Automated data processing facilities and equipment of any department or agency of the state paid for completely by federal funds shall be utilized to the fullest extent permitted by federal rule, regulation or law for the general benefit of the state for applications not in conflict with other provisions of this chapter; and all data in said equipment which by federal rule, regulation or law must not be kept confidential shall be made available by any such department or agency to all state agencies including the department of administrative services to the maximum extent permitted by federal rule, regulation or law in a form approved by the department of administrative services; except that in the case of the department of employment security, such form shall be approved jointly by the department of administrative services and the department of employment security. Any dispute arising between any such department or agency and any other state agency as to the utilization requested by the department of administrative services of said facilities, equipment and data shall be resolved by the governor.

21-I:38 Work Order Required.

I. Notwithstanding any other provision of law to the contrary, the department of administrative services, prior to performing computer operation services for any user agency, shall obtain a written work order which:

(a) Defines the services being requested by the user agency.

(b) Describes the effort which the department must expend in order to accomplish the services requested and, if 5 man-days or more are required to complete the work, includes a cost estimate.

(c) Is agreed to by both the department and the user agency, as evidenced by the signatures of representatives of both parties on the work order.

II. Any change or modification to the services requested by the user agency shall likewise be agreed to in writing by a supplement to the pertinent work order approved by both parties.

III. The work order form shall be furnished to the user agency by the department of administrative services.

IV. As used in this section, "user agency" means any department, board, commission, institution or other agency or

office of the state utilizing data processing services provided by the department of administrative services.

21-I:39 Municipal Data Processing Contracts. Any town, city, county, village district or school district may, with the approval of its legislative body, contract with any data processing firm or with the department of administrative services for maintenance of its fiscal or other records. Said contract shall include, but not be limited to, the following provisions:

I. A guarantee of expeditious fulfillment of the work contracted for and a penalty for failure to do so.

II. A liquidated damages clause.

III. All municipal records, or information therefrom, in the possession of the data processor shall be the sole property of the town, city, county, village district or school district, shall not be duplicated for any purpose except for use by the governmental unit so contracting, and shall not be sold or given to any person or political party except as otherwise provided by law. Unless otherwise specified by contract, the computer program developed by the data processor may be considered the property of the data processor.

IV. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the basic accounting data as well as format of records and reports to be maintained by municipalities which contract for record keeping by any data processing services in order to assure that such records will conform to the uniform classification of accounts applicable to each particular municipal entity and to further assure that proper and adequate annual or other special examinations of the accounts and records of each municipality may be made by local auditors, independent accountants, or the division of municipal accounting. The accounts and records of tax collectors maintained by municipalities through data processing methods shall conform to the specific rules adopted by the commissioner of revenue administration for such records. Any data processing program shall include the capability of retrieving accurate and up-to-date information at any given time during the fiscal year so that detailed reports of revenues, expenditures, and other financial information may be prepared on a monthly, quarterly, or other basis in accordance with the needs of each particular governmental unit.

V. The information generated by a computer service organization which becomes part of any record produced by data processing methods shall be available to any public officer upon written request to and with the approval of the governing body that is concerned therewith; provided that all records produced by data processing methods shall be submitted upon request therefor to any duly selected municipal auditor for the purpose of examination during the course of his work.

VI. Any person who violates the provisions of paragraph III, IV, or V of this section shall be guilty of a misdemeanor.

21-I:40 Payment to Department of Administrative Services. For any work performed by the department of administrative services for any town, city, county, village district or school district, the department shall charge reasonable costs. If the payment of such costs is not made in due course, the state treasurer shall, upon notification from the director, withhold from any amounts payable by the state to that unit of government the amount due the department and shall deposit such withholding into a special account. The governor and council shall authorize payment from said account to the department.

Penalties

21-I:41 Penalty. If any person shall injure, deface, or misuse any of the property listed in RSA 21-I:11, X, or shall violate any rules relating thereto, he shall be guilty of a violation.

2 Transfers and Terminations.

I. The New Hampshire distributing agency within the department of education is hereby abolished and all of the functions, powers, duties, and responsibilities of the New Hampshire distributing agency, and the officials of the New Hampshire distributing agency, are hereby transferred to and vested in the commissioner of administrative services.

II. The transfer provided for in paragraph I of this section shall include all of the books, papers, records, equipment, unexpended appropriations or other funds, actions and other property or obligations of any kind of the New Hampshire distributing agency or the department of education significantly involved in the program of distribution of commodities and surplus property carried out by the New Hampshire distributing agency prior to the effective date for the transfers made by this section. The commissioner of administrative services shall determine, in consultation with the commissioner of education, and include in the implementation plan required by the laws of 1983, 372:4, III detail regarding the property and personnel to be transferred to the department of administrative services in accordance with this paragraph.

III. The transfers provided for in this section shall become effective on the date set pursuant to the laws of 1983, 372:5, II. Prior to that date the existing entities, and the officials of those entities, referred to in this section shall retain their full power and authority.

3 Transition Procedure. The transition procedure to be followed in implementing the transfers provided for by this act shall be as specified in the laws of 1983, 372:2, 372:3, 372:4, 372:5 and RSA 21-G. The commissioner of administrative services shall perform the duties required under this section.

4 Appropriations. All realignment of functions, reassignment of personnel, and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the agencies consolidated

by this act to the department of administrative services. No additional appropriations shall be made for purposes of implementing this act.

5 Changes in Authority. As of the effective date for the transfers of the functions, powers, duties and responsibilities of the New Hampshire distributing agency to the department of administrative services set according to the laws of 1983, 372:5, II, the following references are hereby changed as follows:

I. All references to the "New Hampshire distributing agency" in the laws of the state shall be changed to read "surplus distribution section, division of plant and property management".

II. All references to "comptroller" in RSA 9 and any other law of the state except RSA 21-I shall be changed to read "commissioner of administrative services".

III. All references to "department of administration and control" in RSA 9 and any other law of the state, except RSA 21-I, shall be changed to read "department of administrative services".

IV. All references to "director, division of accounts" in RSA 9 shall be changed to read "director, division of accounting services".

6 Reference Changes. The director of legislative services is hereby authorized, with the approval of the speaker of the house of representatives and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act; provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

7 Definitions. Amend RSA 21-I by inserting after section 1 the following new section:

21-I:1-a Definitions. In this chapter the following words shall have the following meanings:

I. "Commissioner" means the commissioner of administrative services.

II. "Physical facilities" means buildings of every kind and the fixtures attached thereto.

8 Senior Operational Analyst; Financial Data Manager. Amend RSA 21-I:2, II (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the budget officer, the internal auditor, the financial data manager and the senior operational analyst. The division directors, the budget officer, the internal auditor, the financial data manager and the senior operational analyst shall each serve for a term of 4 years.

9 Unclassified Personnel. Amend RSA 21-I:3, II and III (supp) as inserted by 1983, 416:40 by striking out said paragraphs and inserting in place thereof the following:

II. The directors of all divisions of the department shall be qualified to hold their respective positions by reason of education and relevant experience.

III. The salary of the commissioner and of all unclassified employees of the department shall be as specified in RSA 94:1-a.

10 Office of Commissioner. Amend RSA 21-1:4 (supp) as inserted by 1983, 416:40 by striking out said section and inserting in place thereof the following:

21-1:4 Office Established. There is hereby established an office of the commissioner consisting of the following 4 units:

- I. Financial data management unit.
- II. State budget.
- III. Internal audit.
- IV. Operational analysis.

11 Fiscal Data Management. Amend RSA 21-1:5 (supp) as inserted by 1983, 416:40 by striking out said section and inserting in place thereof the following:

21-1:5 Financial Data Management Unit. There is hereby established within the office of the commissioner a financial data management unit under the supervision of an unclassified financial data manager who shall be responsible for the following functions in accordance with applicable laws:

I. Providing coordination of all internal department financial information in order to assure the compatibility, continuity and integrity of such information.

II. Assisting the commissioner with the planning, management and operation of all internal department financial information systems.

III. Carrying on a continuing analytical research and planning program in the field of governmental financial management in order to provide for the most effective and efficient information management systems possible.

IV. Accomplishing data entry and control of information for all internal department financial systems, and preparing and distributing reports generated from those systems.

V. Assisting department division directors by:

(a) Establishing and operating a financial information resource center for their use.

(b) Jointly monitoring state and federal fiscal legislation with the directors in order to assure timely awareness of and compliance with new legislation.

VI. Assisting users of information and financial systems which are the responsibility of the financial data management unit.

12 Operational Analysis. Amend RSA 21-1 by inserting after section 7 the following new section:

21-1:7-a Operational Analysis.

I. There is hereby established within the office of the commissioner of administrative services an operational analysis unit under the supervision of an unclassified senior operational analyst.

II. The operational analysis unit shall monitor state agency activities and

evaluate agency operations based on priorities established by budget program and statute in the following areas: revenues, expenses, staffing, space utilization, fleet operations, and such other public service needs as the commissioner of administrative services shall direct.

13 Director of Accounting Services. Amend the introductory paragraph of RSA 21-1:8 (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

There is hereby established within the department the division of accounting services under the supervision of an unclassified director of accounting services, who shall also be known as the comptroller. The comptroller shall direct the state's fiscal accounting systems, using generally accepted accounting principles and taking full advantage of all benefits of automated data processing applications, to the end that the fiscal affairs of all state agencies and departments will be adequately and uniformly serviced and that periodic financial and management reports will be available to serve the various needs of all state agencies and the executive and legislative branches in their decision making processes. The division shall include the following internal organizational units:

14 Director of Information Services. Amend the introductory paragraph of RSA 21-1:9 (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

There is hereby established within the department the division of information services under the supervision of an unclassified director of information services who shall be responsible for the following functions, in accordance with applicable laws:

15 Division of Information Services. Amend RSA 21-1:9, I (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

I. Managing a service operation which shall provide data processing and graphic services to all state agencies pursuant to RSA 21-1:39, except as provided in paragraph VIII.

16 Information Services. Amend RSA 21-1:9, III(a) (supp) as inserted by 1983, 416:40 by striking out said subparagraph and inserting in place thereof the following:

(a) Approving or disapproving the location, construction, equipping and staffing of all state data processing facilities, and the acquisition by any state agency of data processing equipment, in accordance with rules adopted pursuant to RSA 21-1: 14, III, provided:

(1) Approval of continued ownership and employment of related personnel shall be required annually.

(2) Upon disapproval of continued ownership and employment of related personnel, the director shall provide written certification to the commissioner of the reasons for such disapproval. The commissioner shall immediately transmit this certification to

the governor, the speaker of the house of representatives and the president of the senate.

(3) Upon disapproval of continued ownership and employment of related personnel, all equipment and full-time personnel shall revert to the direct control of the division of information services.

17 Bureau of Systems Development. Amend RSA 21-I:10, 1(b) (supp) as inserted by 1983, 416:40 by striking out said subparagraph and inserting in place thereof the following:

(b) Assisting the financial data manager with systems work as directed by the commissioner.

18 Director of Plant and Property Management. Amend the introductory paragraph of RSA 21-I:11 (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

There is hereby established the division of plant and property management under the supervision of an unclassified director of plant and property management who shall be responsible for the following functions, in accordance with applicable law:

19 Approval of Commissioner. Amend RSA 21-I:11, IV (supp) as inserted by 1983, 416:40 as amended by striking out said paragraph and inserting in place thereof the following:

IV. Except where competitive bidding has been employed, no purchase involving an expenditure of more than \$2,000 or purchase in an approved class may be made by the director of plant and property management without the written approval of the commissioner. In requesting such approval, the director shall first state in writing his reasons for not employing competitive bidding.

20 Director of Plant and Property Management. Amend RSA 21-I:11 by inserting after paragraph VII the following new paragraphs:

VIII. Recommend to the commissioner fair and equitable charges to be assessed according to rules adopted pursuant to RSA 21-I:14, XII against any recipients receiving any donated surpluses from the surplus distribution section which shall:

(a) Be sufficiently high to defray all administrative, warehousing, processing, distribution and transportation costs incurred by the surplus distribution section, and to allow the accumulation of a working capital reserve equal to the cost of 6 months' operation of the surplus distribution section so that the operation of said section shall result in no expense to the state; and

(b) Be maintained by the treasurer as a separate, restricted fund.

IX. Provide the text of any rule adopted pursuant to RSA 21-I:14, XII to each recipient of donated commodities or surpluses distributed by the surplus distribution section.

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of

the state house, legislative office building, state house annex, state library, and grounds connected with each, and have charge of all matters relating to the care, maintenance and repair of said property.

21 Fund Restrictions. Amend RSA 21-I by inserting after section 11 the following new section:

21-I:11-a Fund Restrictions; Cash Reserves Pro-rated.

I. Expenditures from the fund established by 21-I:11, VIII(b) shall be restricted to defraying the following costs incurred as a result of transferring donated commodities or surpluses from the consignee point of delivery or point of origin to the ultimate point of consumption:

(a) Compensation and travel expenses of individuals directly connected with the distribution of donated commodities.

(b) Supplies, equipment, warehousing and storage costs.

(c) Labor and transportation costs.

(d) Such other related costs as may be required to effect orderly distribution of commodities.

II. If the program of distribution of donated commodities and surpluses carried out by the surplus distribution section is discontinued due to failure to receive surpluses for distribution, the cash reserves shall be pro-rated back to the recipients who contributed to such reserves during the previous 3 years.

22 Division of Plant and Property; Internal Organization. Amend RSA 21-I:12 (supp) as inserted by 1983, 416:40 by striking out said section and inserting in place thereof the following:

21-I:12 Internal Organization; Division of Plant and Property Management. The division of plant and property management shall include the following internal organizational units:

I. A function of purchase and property under the supervision of a classified administrator of purchase and property who shall be responsible for the following functions, in accordance with applicable laws:

(a) Inspecting and testing deliveries for compliance with purchase orders.

(b) Maintaining and operating such central storage facilities as may be practical.

(c) Charging property and equipment to the using departments, as he shall deem advisable, and expressly specifying the responsibilities for maintenance of the same.

(d) Transferring unused supplies and equipment from one department or agency to another where needed and determining the value thereof; where such unused supplies and equipment cannot be so transferred, providing for disposal to the public by competitive bid whenever the estimated value of any unit or total of units is \$100 or more, otherwise in such manner as appears to be in the best interest of the state.

23 Duties of Commissioner. Amend RSA 21-I:13, VII (supp) as inserted by 1983,

416:40 by striking out said paragraph and inserting in place thereof the following:

VII. Assign physical facilities, including rented office space, for the use of state agencies, after consultation with the governor and the joint fiscal committee, except:

(a) In the legislative office building and the state house.

(b) In any facilities under the control of the judicial branch of government.

24 Duties of the Commissioner. Amend RSA 21-I:13 by inserting after paragraph VIII the following new paragraphs:

IX. Administer all state employee benefit programs, other than those administered by the retirement system, as provided by RSA 21-I:28.

X. Supervise the operation of the program of distribution of surpluses and commodities made available to the state by the federal government or any other source, including entering into all necessary contracts and agreements.

25 Rulemaking. Amend RSA 21-I:14 by inserting after paragraph IX the following new paragraphs:

X. Standards and procedures governing the purchase of all materials, supplies and equipment by the division of plant and property management.

XI. Management of the state employees group insurance program authorized by RSA 21-I:26 through 21-I:36.

XII. Qualification, continuing eligibility and disqualification of recipients to receive commodities distributed by the surplus distribution section established by RSA 21-I:12, II, and procedures for determining the same. Such rules shall:

(a) Comply with requirements, if any, established by the department, division or agency of the United States which is the source of the commodities.

(b) Be binding on all recipient agencies and shall have the force of law. No recipient agency, nor any officer or employee thereof, shall be liable for damages for any claimed injury arising from a determination made in accordance with said rules.

XIII. Fair and equitable charges to be assessed against recipients receiving any donated surpluses from the surplus distribution section based on recommendations provided according to RSA 21-I:11, VIII.

26 Salaries.

I. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by striking out in group K the following:

(a) Director, risk management.
(b) Director, division of graphic services.

(c) Business supervisor analysts.

II. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by striking out in group M the following:

(a) Manager, operations, centralized data processing.
(b) Manager, systems development, centralized data processing.

III. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by striking out in Group N the following:

(a) Director, operational analysis.
(b) Director of information management and planning.
(c) Director, division of accounts.

IV. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting in Group N the following:

(a) Senior operational analyst.
(b) Financial data manager.
(c) Internal auditor.

V. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting in Group O the following:

(a) Budget officer.
(b) Director, division of accounting services.
(c) Director, division of plant and property management.

VI. Amend RSA 94:1-a (supp) as inserted by 1975, 505:28 as amended by inserting in Group P the following:

(a) Director, division of information services.

27 Repeals. The following are hereby repealed:

I. RSA 4:6, relative to the assignment of rooms.

II. RSA 8, relative to the department of administration and control.

III. RSA 8-A, relative to the New Hampshire distributing agency.

IV. RSA 8-C, relative to the department of centralized automated data processing.

V. RSA 21-I:10, I(c), relative to financial accounting programs.

28 Incumbent Employees.

I. The individuals holding the following unclassified positions in the department of administrative services on the effective date of this section shall become classified state employees on that date and shall be deemed to have successfully served any probationary period required under the rules of the department of personnel.

(a) Director of risk management, also known as administrator, bureau of risk management;
(b) Director, division of graphic services, also known as administrator, bureau of graphic services;
(c) Business supervisor analysts;

(d) Manager, operations, centralized data processing, also known as administrator, bureau of data processing;
(e) Manager, systems development, centralized data processing, also known as administrator, bureau of systems development;

(f) Director, division of accounts, also known as administrator, bureau of accounting.

II. The individuals holding the positions listed in paragraph I of this section shall retain their unclassified salary levels as long as they shall remain in the same position. Any of said individuals who have not reached the maximum

salary provided for their unclassified position prior to the effective date of this section shall be permitted to attain said maximum salary level in the manner provided by RSA 94:3.

III. The individuals holding the positions listed in paragraph I of this section shall be given credit, upon their change to classified status, for all sick leave earned and recorded under the system established and maintained by the commissioner of administrative services to award sick leave to unclassified personnel. The commissioner of administrative services shall, within 30 days of the effective date of this section, certify in writing the number of days so awarded to each such individual for inclusion in the classified personnel records.

IV. Within 30 days of the effective date of this section the individuals holding the positions listed in paragraph I of this section shall elect to follow one or the other, but not both, of the following options, and shall notify the commissioner of administrative services in writing of such election:

(a) Each individual affected may choose to be paid terminal pay in accordance with RSA 94:9 for service completed prior to the effective date of this section; or

(b) Each individual may choose to be given credit for all annual leave earned and recorded, under the system established and maintained by the commissioner of administrative services to award annual leave to unclassified personnel, prior to the effective date of this section. It is the intent of the general court to prohibit the payment of terminal leave under RSA 94:9 to those individuals who elect to follow the option offered by this subparagraph relative to annual leave. The commissioner of administrative services shall certify in writing the number of days so awarded to each individual electing the option offered by this subparagraph relative to annual leave for inclusion in classified personnel records.

V. Within 30 days of the effective date of this section, the individuals holding the positions listed in paragraph I of this section, who do not already belong to the state retirement system, shall elect to join or not to join the state retirement system, and shall notify the commissioner of administrative services in writing of such election. The commissioner of administrative services shall certify in writing to the board of trustees of the retirement system the name of any individual electing to join said system. Any individual who does not receive said certification shall be deemed to have elected not to join the state retirement system and shall not be subject to the provisions of RSA 100-A:3.

29 Incumbent Director of Operational Analysis. On the effective date of this section, the incumbent unclassified director of operational analysis shall become the first unclassified senior operational analyst, at the same salary he is receiving

on that date. That individual shall hold office during good behavior and shall be removed only as provided in RSA 4:1. When a vacancy occurs in that office for any reason, a successor shall be appointed as provided by RSA 21-1.

30 Incumbent Director of Information Management and Planning. On the effective date of this section, the incumbent unclassified director of information management and planning shall become the first unclassified financial data manager, at the same salary he is receiving on that date. That individual shall hold office during good behavior and shall be removed only as provided in RSA 4:1. When a vacancy occurs in that office for any reason, a successor shall be appointed as provided by RSA 21-1.

31 Access Guaranteed. Amend RSA 21-1 by inserting after section 13 the following new section:

21-I:13-a Access Guaranteed. Any and all data and information, financial or otherwise, in the possession or under the control of the commissioner of administrative services shall be available to all, unless such availability is otherwise prohibited by statute, such as, but not limited to, RSA 91-A:5, and rules adopted relative to the exemptions contained in RSA 91-A:5.

I. The commissioner shall adopt rules under RSA 541-A relative to the fee to be charged for furnishing information and data, which shall represent the actual cost, including the actual value of employee time, and the time and manner of furnishing such information or data. The commissioner shall charge the fee to any person requesting such information, unless otherwise specified in this section.

II. Members of the general court, in the performance of their duties as such, shall not be charged for such information but requests for such information shall be made to the commissioner on forms supplied by him.

III. Computer terminal access shall be supplied to all information storage and management systems under the authority and control of the commissioner to the legislative budget assistant and any legislative staff persons designated by the president of the senate or the speaker of the house. Such access shall not permit the obtaining of information the availability of which is otherwise prohibited by law.

IV. No information shall be available to the public, the members of the general court or its staff, notwithstanding the provisions of RSA 91-A:4, concerning specific invitations to bid or other proposals for public bids, from the time the invitation or proposal is made public until the bid is actually awarded, in order to protect the integrity of the public bidding process.

32 Effective Dates.

I. Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 18, 22, 23, 24, 25, 29, 30, 31, and 32 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect when the transfers

provided for in section 2 of this act take effect on the date set according to laws of 1983, 372:5, II.

Amendment adopted.

Ordered to third reading.

HB 373, relative to terms of appointment and boards and commissions. Ought to Pass with Amendment.

HB 373 has been amended to change the terms of department heads and division directors established by RSA 21-G from serving at the pleasure of the governor to four terms. The amendment is worded so that half of the department heads will, after the initial terms, be appointed in each successive gubernatorial term. Half of the division directors will serve, after the initial terms, until a new department head has been in office for one year and half until he has been in office for three years, to assure continuity and stability. The second part of the amendment changes the present law to require that their services be obtained from and be furnished by the department to which each is administratively attached. Vote 19-0. Rep. Ann Torr for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to terms of appointment and administratively attached agencies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Terms of Appointment. Amend RSA 21-G:8 (supp) as inserted by 1983, 372:1 by striking out said section and inserting in place thereof the following:

21-G:8 Commissioners and Division Directors; Appointment; Term.

I. The commissioners of all departments established after July 1, 1983, shall be appointed by the governor, with the consent of council, except as otherwise provided by law. Each commissioner shall be an unclassified employee.

II. Each commissioner shall nominate for appointment by the governor, with the consent of the council, each division director within his department, for all departments established after July 1, 1983, except as otherwise provided by law. Each division director shall be an unclassified employee.

III. Commissioners shall serve terms of 4 years. Such terms shall end on March 31 of an odd-numbered year. Initial terms for some commissioners may be for approximately 2 years so that the terms of one-half of the commissioners will end in each gubernatorial term.

IV. Division directors shall serve terms of 4 years. Such terms shall end on March 31 of an even-numbered year. Initial terms for some directors may be for approximately 2 years so that the terms of one-half of the directors will end one year after a commissioner's term commences and one-half 3 years after that date.

2 Boards and Commissions. Amend RSA 21-G:10, II(a) (supp) as inserted by 1983, 372:1 by striking out said subparagraph and inserting in place thereof the following:

(a) Provide budgeting, recordkeeping and related administrative and clerical assistance to the agency. The agency shall pay the department on a cost allocation basis for such services;

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 628, certifying clinical mental health counselors. Ought to Pass with Amendment.

This legislation is a result of study directed by the immediate previous session. The certification of these mental health counselors will provide benefit and protection to the consumer public. There was concern expressed regarding proceeding prior to completion of a study of the Psychology Board as recommended by another bill under consideration. The majority feel the benefit should not be withheld. Vote 15-6. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend RSA 330-A:16-e as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

330-A:16-e Certified Clinical Mental Health Counselor.

I. The board shall issue a clinical mental health counselor certificate to any person who meets all of the following requirements:

(a) Possession of master's or doctoral level professional degree, based upon a program of study whose content was primarily counseling, from a regionally accredited institution and has had the following clinical experience:

(1) Participation in a supervised practicum or clinical practicum, the content of which is primarily clinical counseling as part of the master's or doctoral level degree and at least 2 years full-time or 3,000 hours of supervised experience, following receipt of the master's or doctoral level degree, which is directly supervised by a person certified or certifiable, except for the supervised experience requirement, under the provisions of this chapter; or

(2) At least 5 years of participation in full-time supervised experience, following receipt of the master's or doctoral level degree, which is directly supervised by a person certified or

certifiable, except for the supervised experience requirement, under the provisions of this chapter; and

(b) Has received a passing score on an examination administered by a national testing service and which examination shall test primarily the applicant's knowledge of clinical counseling skills.

II. Nothing in this chapter shall permit the certification of any individual as a clinical mental health counselor who has not met the requirement of subparagraphs (a) and (b) of paragraph I of this section.

Amendment adopted.

Ordered to third reading.

HB 639, relative to the board of registration in medicine. Refer for Interim Study.

This bill does not address the area of confidentiality. The Right-to-Know Law and the entire confidentiality issue as it applies to the Board of Registration in Medicine should be studied in more depth before legislation is submitted to the General Court. Vote 12-7. Rep. William F. McCain for Executive Departments and Administration.

Rep. Walter moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, spoke to her motion and yielded to questions.

Rep. Ward spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 68 NAYS 272

YEAS 68

BELKNAP: Jensen and Pearson.

CARROLL: Ashnault and Gene Chandler.

CHESHIRE: Blacketor and Ridge.

COOS: Brungot, Chappell, Coulombe, Mayhew and York.

GRAFTON: Bean, Chambers, Christy, Copenhaver, Crory, Driscoll, Michael King, McAvoy, Wadsworth and Walter.

HILLSBOROUGH: Bernier, Clancy, Cox, Ducharme, Fried, Gagnon, Scott Green, Chris Jacobson, Lown, Pappas, Shriver, Mary Sullivan, Varkas and Frank Whittemore.

MERRIMACK: Barberis, Bibbo, Daniell, Fraser, Pannell, Rehlander and Gerald R. Smith.

ROCKINGHAM: Clay, Emanuelson, Newman, Pantelakos, Parr, Pevear, Popov, Norman Rogers, Schwaner, Sherburne, Skinner and Vaughn.

STRAFFORD: Appleby, Bernard, Donnelly, Laurion and Bruce Packard.

SULLIVAN: Call, D'Amante, Dinsard, Domini, Lindblade, Meghan, Normandin, Schotanus and Spaulding.

NAYS 272

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Morse, Parker, Perry, Ramsay, Russell, Schwartz, Scranton, Thompson and Young.

COOS: Brideau, Harold Burns, Chardon, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini and Theriault.

GRAFTON: Arnesen, Bennett, Blair, Densmore, Duggan, Easton, Hutchings, Wayne King, Mann, Scanlan, Stewart, Taffe, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Beaupre, Blais, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Cote, Cronin, William Dion, Donovan, Duperron, Dupont, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Jasper, George Jones, Keefe, Kelley, Knight, Labonbarde, Levesque, Lozeau, Martin, Howard Mason, McCue, Messier, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Paquette, Paradis, Pariseau, Parmenter, Perham, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Sallada, Leonard Smith, Steiner, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wright, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Bardsley, Laurent Boucher, Bowes, Cate, Connolly, Gilbreth, George Gordon, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pantzer, Phelps, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Wallner, West and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Connors, Conroy, Day, Ellyson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Kraker, Longworth, Lovejoy, Mace, Magoon, Malcolm, McCain, McKinney, Palumbo, Quimby, Raynowska, Rosencrantz, Sanderson, Schmidtchen, Seward, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vartanian, Walker, Warburton, Welch and Woodward.

STRAFFORD: Bates, Berkey, Burton, Callahan, Chamberlin, Diamant, Dingle, Anita Flynn,

Edward Flynn, Patricia Foss, Frechette, Frew, Robert Jones, Keans, Kincaid, Lussier, Meader, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Ingram, Paul Johnson, Rodeschin and Sara Townsend, and the motion lost.

Referred for Interim Study.

HB 689, establishing a department of natural resources. Refer for Interim Study.

The Committee feels it vital to this extremely important piece of legislation to include further, formalized, input from those groups who are actively concerned with the formation of a Department of Natural Resources. It is the intent of the Committee to conduct formal "round table hearings" with those persons and groups who have expressed concern over this new agency, commencing April 15, 1985. Those persons will represent environmental groups, business and industry, state agencies, Agriculture and Fish and Game, and the New Hampshire House and Senate. Notwithstanding the fact that this process has taken over three years to date, the Committee feels that this interim study period will allow the legislative process to address those concerns and interests further in the best interest of all citizens of the State of New Hampshire. Vote 19-0. Rep. Robert B. Holmes for Executive Departments and Administration.

Referred for Interim Study.

HB 690, establishing a reorganized department of safety. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill transfers the Fire Standards and Training Commission to the Department of Postsecondary Vocational-Technical in exactly the same manner as Police Standards and Training. The Commission will retain autonomy in setting standards for the training of firefighters. The present Fire Marshal is grandfathered for a four-year term, and retains rulemaking authority. Also, transferred to the Department of Safety is the Licensing and Enforcement Division of the State Liquor Commission, grandfathering the present director for a term of four years. Rulemaking for liquor licensing under this measure will be promulgated by the Commissioner, with the approval of the Attorney General. A separate appeals' board appointed by the Governor and Council is established to hear appeals regarding liquor, licensing and enforcement. Vote 18-1. Rep. Ada L. Mace for the Majority of Executive Departments and Administration.

MINORITY: The minority objects to HB 690 because of the last minute amendment transferring Liquor Commission Enforcement to the newly-formed Department of Safety. HB 752

establishes a Department of Regulated Enterprises which includes Liquor, Sweepstakes and Pari-Mutuel along with the enforcement people attached to each of these agencies. Since HB 752 has been sent to Interim Study, it is premature to take one enforcement segment out of the proposed department before the study period has elapsed. (Rep. Bella M. Duperron for the Minority of Executive Departments and Administration.)

Rep. Newman moved that the words, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Dexter, Bass, Ann Torr, Pelley, Hutchings and Ward spoke against the motion.

Reps. Phelps, Michael King and Clyde Eaton spoke in favor of the motion.

Rep. Scott Green spoke in favor of the motion and yielded to questions.

Rep. Wayne King spoke against the motion and yielded to questions.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

Rep. Newman requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 193 NAYS 152

YEAS 193

BELKNAP: Brough, Hawkins, Jensen, Matthew Locke, Pearson and James J. White.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Hounsell and Saunders.

CHESHIRE: Blacketor, Burley, Crane, Delano, Daniel Eaton, Frink, Elmer Johnson, Morse, Ridge, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Coulombe, Guay, Horton, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bennett, Chambers, Christy, Copenhaver, Crory, Densmore, Duggan, Easton, Michael King, LaMott, McAvoy, Scanlan, Howard Townsend and Walter.

HILLSBOROUGH: Barry, Beaupre, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Chagnon, Champagne, Charron, Cote, Cronin, William Dion, Donovan, Ducharme, Duperron, Durant, Dwyer, Dykstra, Clyde Eaton, Fields, Fried, Gagnon, Scott Green, Healy, Humphrey, Labombarde, Levesque, Lozeau, Howard Mason, Morrisette, Newcombe, O'Rourke, Bonnie Packard, Paquette, Paradis, Pariseau, Perham, Prestipino, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Shriver, Steiner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, Cate, Connolly, Daniell, Gilbreth, George Gordon, Hayes, Mary Holmes, Alf Jacobson, Kinhan, Nichols, Pannell, Pantzer, Phelps, Roberts, Walter Robinson, Savaria, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Blaisdell, Burdick, Butler, Lawrence Chase, Connors, Conroy, Day, Ellyson, Felch, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Gourdeau, Hoar, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Magoon, Robert Mason, McKinney, Newmae, Palumbo, Pantelakos, Parr, Peavear, Raynowska, Schwaner, Seward, Sherburne, Sloan, Splaine, Stachowske, Warburton and Welch.

STRAFFORD: Berkey, Bernard, Callahan, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Keans, Kincaid, Laurion, Lussier, Bruce Packard, Spear and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Meghan and Normandin.

NAYS 152

BELKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Holbrook, Randall and Zeckhausen.

CARROLL: Robert Holmes, Olimpio and Schofield.

CHESHIRE: Davis, Irvin Gordon, Grodin, Parker, Perry, Ramsay, Russell, Schwartz, Scranton and Secord.

COOS: Chardon, Frederic Foss, Lamontagne and Marsh.

GRAFTON: Bean, Blair, Driscoll, Hutchings, Wayne King, Mann, Stewart, Taffe, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bass, Bernier, Blais, Lionel Boucher, John Burns, Leslie Burns, Carragher, Chretien, Clancy, Cox, Dupont, Joseph Eaton, Nancy Ford, Grip, Marian Harrington, Hendrick, Herod, Hogan, Holden, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Lown, Martin, McCue, Messier, Murphy, Nelson, Nute, Pappas, Parmenter, Sallada, Leonard Smith, Stonner, Sylvia, Tamposi, Geraldine Watson, Harold Watson and M. Arnold Wight.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, James Chandler, Fraser, Jelly, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Rehlander, Doris Riley, Linwood Rogers, Shepard, Gerald R. Smith and West.

ROCKINGHAM: Benton, William Boucher, Marilyn Campbell, Case, Clay, Emanuelson, Bert Ford, Goss, Elizabeth Greene, Haynes, Hollingworth, Joslyn, Kane, Longworth, Lovejoy, Mace, Malcolm, McCain, Popov, Quimby, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Skinner, Sochalski, Sytek, Vartanian, Vaughn, Walker and Woodward.

STRAFFORD: Appleby, Bates, Burton, Dingle, Robert Jones, Meader, O'Brien, Parks, Pelley, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Lindblade, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

Referred for Interim Study.

HB 759-FN, relative to police standards and training fund. Refer for Interim Study. The Committee, after considerable discussion, felt this bill affects cities and towns and needs further study. Vote 12-5. Rep. Ann Torr for Executive Departments and Administration.

Referred for Interim Study.

HB 760-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. Ought to Pass with Amendment.

This bill allows career police officers to remain in group II when they are transferred to certain other positions. The amendment requires that they must first have ten years group II service, adds positions where this provision applies, permits members who become part-time to withdraw their contributions, and makes provisions for group II in combination with social security. Vote 15-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to retirement benefits for certain group II permanent policemen, the return of the accumulated contributions of group I and group II members of the retirement system, and group II member and employer contributions relative to FICA payments.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Police Officer Serving as Field Representative of Police Standards and Training Council or as Commissioner of Safety. Amend RSA 100-A:3 by inserting after paragraph VII the following new paragraphs:

VIII. Any permanent policeman who has been so employed continuously for 10 years or more and who has been a group II member of the New Hampshire retirement system for that same period and who becomes a field representative for or the director of the police standards and training council shall continue to be a group II member of the retirement system while so employed. If a permanent policeman remains with the police standards and training council as a field representative or as the director until he retires, he shall be considered to have retired as a group II member of the New Hampshire retirement system, and he shall receive all

the service retirement, disability retirement, or ordinary death benefits to which he or his beneficiary is entitled.

IX. Any permanent policeman who has been so employed continuously for 10 years or more and who has been a group II member of the New Hampshire retirement system for that same period and who becomes commissioner of safety or deputy commissioner of safety may continue to be a group II member of the retirement system while so employed. If a permanent policeman remains as commissioner or deputy commissioner of safety until he retires, he shall be considered to have retired as a group II member of the New Hampshire retirement system, and he shall receive all the service retirement, disability retirement, or ordinary death benefits to which he or his beneficiary is entitled.

X. If any current group II member of the retirement system is not exempt from the provisions of the Federal Insurance Contributions Act, then both the member contribution and the employer contribution to the retirement system shall be reduced by the amount of the employee and employer payments, respectively, to FICA. Each year during which both the member contribution and the employer contribution group II payments to the retirement system and payments to FICA are made shall be considered a full year of creditable group II service for the purpose of determining retirement eligibility under the provisions of this chapter, but shall be considered a reduced portion of a creditable year, with the reduction being in the same proportion as the reduction in total member and employer contributions to the retirement system, for the purposes of determining the amount of retirement benefits.

2 Return of Part-Time Group I Members' Contributions. Amend RSA 100-A:11, I(a) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death, or, notwithstanding any other provision of law to the contrary, if a group I member's employment status changes from that of a full-time to a part-time employee and if he has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his accumulated contributions shall be paid to him within 3 months after his written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee, a full-time employee or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a member because of absence from service for more than 6 years in any period of 7 consecutive years after last becoming a member, his accumulated contributions shall be paid to him within 3 months after the board is notified to that effect.

3 Return of Part-Time Group II Members' Contributions. Amend RSA 100-A:11, II(a) as inserted by 1967, 134:1 as amended by

striking out said subparagraph and inserting in place thereof the following:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death, or, notwithstanding any other provision of law to the contrary, if a group II member's employment status changes from that of a full-time to a part-time employee and if he has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his accumulated contributions shall be paid to him within 3 months after his written request therefor. If a group II member ceases to be a member because of absence from service for more than 6 years in any period of 7 consecutive years after last becoming a member, his accumulated contributions shall be paid to him within 3 months after the board is notified to that effect.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 787-FN, relative to retirement. Ought to Pass with Amendments.

This bill provides permanent cost of living increases and other benefits to all presently-retired members of the Retirement System, all pre-funded from the special account created by 1983 legislation. The first amendment is housekeeping only. The second amendment provides credit for service before 1950 to certain presently-retired teachers who missed the credit because they were not in service on July 1, 1950, also pre-funded from the special account. Vote 10-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the introductory paragraph of RSA 100-A:42-b, II(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II(a). The following table shall become a permanent part of each beneficiary's base retirement allowance as of July 1, 1985:

Amend RSA 100-A:42-b, II(b) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(b) Benefits for any beneficiary who has retired prior to July 1, 1984, shall be increased by 3.03 percent per year in fiscal years 1986 and 1987. Such increases shall become a permanent part of each beneficiary's base retirement allowance.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Full Credit for All Years of Service. Amend RSA 100-A:5, II(b)(2) as inserted by 1967, 134:1 as amended by

striking out said subparagraph and inserting in place thereof the following:

(2) A state annuity which, together with his member annuity, shall be equal to 2-1/2 percent of his average final compensation multiplied by the number of years of his creditable service; provided, however, that such allowance shall not exceed 75 percent of the member's average final compensation at the time of his service retirement; and provided further, that the provisions of this subparagraph shall only apply to group II members who retire after June 30, 1985.

Amend the bill by striking and out sections 4 and 5 and inserting in place thereof the following:

4 Two Person Rate. Amend RSA 8 by inserting after section 75 the following new section:

8:75-a Two Person Health Insurance Premium Rate. Notwithstanding any other provisions of this chapter to the contrary, the retirement system shall provide 2 person health insurance to retired group II persons under age 65, retired before July 1, 1985, covering group hospitalization, hospital medical care, surgical care, and other medical benefits. This coverage shall provide the same benefits at the same levels that each state employee receives.

5 Actuarial Reduction; Teachers. Amend RSA 100-A:5, I by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the provisions of subparagraph (d), any teacher member of group I who meets the requirements of RSA 100-A:10, I(a), and who has attained the age of 50, but not the age of 60, may elect to retire and have his benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which he desires to have his benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(c) and shall be reduced by 5 percent per year for each year from age 50 to 55, and by 4 percent per year for each year from age 55 to 60.

Amendment adopted.

Amendment

Amend the bill by striking out sections 6, 7 and 8 and inserting in place thereof the following:

6 New Section. Amend RSA 100-A by inserting after section 4 the following new section:

100-A:4-a Creditable Service for Teachers Retired before July 1, 1985.

I. Notwithstanding any provisions of RSA 100, RSA 100-A, or RSA 192 to the contrary, every teacher who retired before July 1, 1985, who was in service prior to July 1, 1950, but who was not in service on July 1, 1950, and who subsequently reentered service as a teacher after that date, shall

be permitted to acquire full credit for all service rendered prior to July 1, 1950, as provided in paragraphs II and III. Such teachers shall be eligible for such benefits as are provided for group I members under this chapter including credit for such prior service as is allowable under paragraphs II and III, as if they had become members of the New Hampshire teacher's retirement system at its inception, and prior to its merger with the retirement system.

II. Every teacher who retired before July 1, 1985, who was not in service on July 1, 1950, and who subsequently reentered service shall be permitted to acquire full credit for all service rendered between 1945 and 1950 as follows:

(a) Every teacher who retired before July 1, 1985, whose prior service does not include credit for service as a teacher which he performed between July 1, 1945, and June 30, 1950, may, by filing written notice with the board of trustees between July 1, 1985, and June 30, 1986, elect to deposit in the teacher annuity savings fund an amount not to exceed \$100 per year for the contributions which would have been made to the former New Hampshire teachers' retirement system, RSA 192, had he been a member of that predecessor system from July 1, 1945, to June 30, 1950.

(b) If a deposit as provided in subparagraph (a) is made in a single payment, the member's creditable prior service shall thereupon be increased by the period of the aforesaid service. If such deposit is made in installments, on each anniversary of the date of establishment his creditable prior service shall be increased to include the number of years of the aforesaid service for which he has deposited an amount equal to the contributions as aforesaid which he would have made during such years. Such amounts so deposited shall become part of his accumulated contributions.

III. Every teacher who retired before July 1, 1985, whose prior service does not include credit for service as a teacher which he performed prior to July 1, 1945 shall receive full credit for all service rendered prior to July 1, 1945, without any contribution required by the teacher.

7 Funding. Funding for the purposes of this act shall be as follows:

I. The sum of \$82,100,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 1 of this act.

II. The sum of \$2,821,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 2 of this act.

III. The sum of \$665,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 3 of this act.

IV. The sum of \$2,200,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 4 of this act.

V. The sum of \$6,478,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 5 of this act.

VI. The sum of \$2,600,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 6 of this act.

8 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until September 30, 1985, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

9 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Referred to Appropriations.

HB 524, relative to hearings for teachers upon failure to be renominated or reelected. Inexpedient to Legislate.

It was thought both sides would favor this version of an old bill, but at the hearing neither side appeared to be satisfied and a majority of the Committee felt it should be voted Inexpedient to Legislate. Vote 10-8. Rep. Frank J. Sylvia for Judiciary.

Resolution adopted.

HB 565, providing for the awarding of attorneys' fees in certain contempt cases. Ought to Pass.

This bill will encourage compliance with court orders in divorce cases. Present enforcement problems can be lessened with this bill. The Committee believes this is a step in the right direction. Vote 13-5. Rep. Marc Chretien for Judiciary.

Ordered to third reading.

HB 623, relative to capital murder, first degree murder and the death penalty. Refer for Interim Study.

The concern of the Committee, as a result of the considerable negative testimonies, the feeling by some that the bill "re-enacted" the death penalty, the expressed concern of severe pain being experienced in the process and the need to consider the effect on this bill of the holding by the Supreme Court upholding the use of lethal injections, which came out after the bill was written, but before the hearing caused a strong feeling this entire subject is in dire need of study through interim action and investigation. Vote 17-0. Rep. Frank J. Sylvia for Judiciary.

Referred for Interim Study.

HB 600, making appropriations for capital improvements. Ought to Pass with Amendment.

The Committee voted 21-0 to support the capital budget which addresses immediate needs of the State. Rep. James V. Bibbo, Jr. for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General		
A. Roofing replacement- Warehouse		
Military Reservation, Concord	\$	70,000
Less Federal		<u>-35,000</u>
Net appropriation paragraph A	\$	35,000
B. Roofing repairs - Concord armory		
	\$	<u>42,000*</u>
Total appropriation paragraph B	\$	42,000
C. Roofing replacement combined		
Support maintenance shop		
Military reservation, Concord	\$	97,000
Less Federal		<u>-70,000</u>
Net appropriation paragraph C	\$	<u>27,000</u>
Total state appropriation paragraph I	\$	104,000

II. Administrative Services

A. Major alterations	
Health and welfare building	\$ 640,000
B. Roofing repair and foundation repair	
Legislative office building	55,000*
C. Roof repairs - Londergan hall	65,000*
D. Heating control - Londergan hall	35,000
E. Repair and paint exterior -	
Londergan hall	30,000
F. Handicapped toilet renovations -	
state library	40,000
G. Repair roof and electrical renovations -	
White Farm	35,000*
H. Computer enhancements	
Secretary of state - attorney general	<u>81,500*</u>

Total state appropriations paragraph II \$ 981,500

III. Postsecondary Vocational Technical Education

A. NHTI - Concord	
1. Diagnostic medical ultrasound	
equipment	\$ 75,000
2. CAD system and electronic surveying	
equipment	75,000
3. Asbestos removal	<u>17,000</u>
Total appropriation paragraph A	\$ 167,000
B. NHVTC - Berlin	
1. Roof repairs	\$ 135,000*
2. Three CAD systems	48,300
3. Natural resources management equipment	
a. Wastewater lab	29,000
b. Kern EDM package	15,200
c. Atomic absorption	
Soectrophotometer	<u>15,300</u>
Total appropriation paragraph B	\$ 242,800
C. NHVTC - Claremont	
1. Planning and design of library	
and classroom building	300,000
2. Electronics equipment	41,620
3. Renovation of nursing arts labs	<u>15,000</u>
Total appropriation paragraph C	\$ 356,620
D. NHVTC - Laconia	
1. Driveway and parking lot repair	\$ 57,000
2. Typesetting input/preview package	79,000**
3. Two 11x17 offset presses	<u>33,000**</u>
Total appropriation paragraph D	\$ 169,000
E. NHVTC - Manchester	
1. Snow removal equipment	20,000
2. Retooling of drafting program	54,000
3. Design of library and automotive	
expansion	<u>75,000</u>
Total appropriation paragraph E	\$ 149,000
F. NHVTC - Nashua	
1. CAD stand-alone system	\$ 75,000
2. Twelve word processors with software	43,000*

3. Twenty American manufactured typewriters	17,000*
4. Unit cluster word processors	<u>21,000*</u>
Total appropriation paragraph F	\$ 156,000
G. NHVTC - Stratham	
1. CAD system	<u>\$ 100,000</u>
Total appropriation paragraph G	\$ 100,000
H. Commissioners office	
1. Computer development program	<u>\$ 300,000</u>
Total appropriation paragraph H	<u>\$ 300,000</u>
Total state appropriation paragraph III	\$ 1,640,420
IV. Executive department	
A. Computer system - division of human services	<u>\$ 210,000*</u>
Total state appropriation paragraph IV	\$ 210,000
V. Fish and Game	
A. New headquarters facility - Concord (Design and construction to be built on site of burned out headquarters)	\$2,300,000
B. New regional offices - design and construction	
1. Durham (to be built on state owned property)	\$ 810,000
2. Laconia (to be built on state owned property), Sunapee (to be built on state owned property), Littleton (in federal district court building).	\$ 500,000
C. Computer system - headquarters - Concord	<u>\$ 90,000*</u>
Total state appropriation paragraph V	\$ 3,700,000
(No expenditure may be made from the appropriation made in paragraph V, A, B, or C of section 1 until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.)	
VI. Health and Welfare	
A. Boiler breeching replacement - LSS	\$ 82,000
B. Generator replacement - Glencliff	100,000
C. Handicapped entrance to tunnel in activity building - Glencliff	15,000
D. Roof repairs/replacement - Dwinell building and boiler house - LSS	60,000
E. Boiler breeching replacement - YDC	30,000
F. Safety improvements - Friendship house - Manchester	75,000
G. Smoke detectors - YDC	22,000
H. Resident cottage - children and youth services	265,000
I. New tile and underlayment - Glencliff (Brown building wings, Adams hall and administration building)	55,000

J. Construction of new tunnel to Rec. hall	<u>75,000</u>	
Total state appropriation paragraph VI		\$ 779,000

VII. Liquor Commission

A. Addition to Salem liquor store	\$ 400,000	
B. Warehouse equipment	70,000	
C. Computer system enhancements	<u>1,625,000*</u>	
Total state appropriation paragraph VII		\$ 2,095,000

VIII. Corrections

A. Purchase/renovate warehouse facility New Hampshire state prison	\$ 300,000	
B. Annex roof security New Hampshire state prison	50,000	
C. Phase IV construction New Hampshire state prison	4,650,000	
D. Prison farm improvements New Hampshire state prison	<u>48,000</u>	
Total state appropriation paragraph VIII		\$ 5,048,000

(No expenditures may be made from the appropriation in paragraph VIII, C of section 1 until such time as the commissioner of corrections has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.)

IX. Resources and Economic Development

A. Ski lift renovation and replacement Mt. Sunapee, Cannon Mt.	\$3,000,000	
B. Marine repairs, dredging - Hampton, Portsmouth and Rye harbor	520,000	
C. Safety modifications and sewage Franconia Notch state park	155,000	
D. Building repair and sewage Mt. Washington state park	200,000	
E. Lodge expansion, water and sewer improvements - Mt. Sunapee state park	160,000	
F. Building repairs, parking and sewer improvements - Wallis Sands state park	290,000	
G. Handicapped facilities - state campgrounds	250,000	
H. Power and water - state campgrounds	250,000	
I. Safety hazards, building and sewer repairs Fort Stark	140,000	
J. Parking and building repairs Franconia Notch state park	170,000	
K. Snowmaking and trail improvements Mt. Sunapee, Cannon Mt.	<u>910,000</u>	
Total state appropriation paragraph IX		\$ 6,045,000

(A sum not exceeding 1/2 percent of the total capital appropriation made in paragraph IX A, and K of section 1 may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision.)

X. Safety

A. Glendale boat house repairs/modifications
 - Glendale \$ 32,000

Total state appropriation paragraph X \$ 32,000

XI. Veterans Home

A. Design and construction documents -
 fifty bed nursing care addition including
 expansion of ancillary services, and
 master planning \$ 250,000

B. Site evaluation - site plan and
 construction documents including
 administration/maintenance building,
 chapel, and columbarium \$ 50,000

C. Armed Service museum \$ 125,000
 less gifts and donations - 125,000

Net appropriation paragraph C - 0 -

Total state appropriation paragraph XI \$ 300,000

(For the purpose of paragraph XI, C the commandant of the veterans home shall deposit into a special fund established by the treasurer, gifts or donations sufficient to cover all costs of the museum. This project may be constructed by either force account or contract.)

XII. Water Resources Board

A. Detailed groundwater mapping - statewide \$5,000,000
 Less federal -2,500,000

Net appropriation paragraph A \$2,500,000

B. Oliverian reservoir 1,000,000
 Less federal -1,000,000

Net appropriation paragraph B - 0 -

C. Dead river water shed project 1,300,000
 Less federal -1,300,000

Net appropriation paragraph C - 0 -

Total state appropriation paragraph XII \$ 2,500,000

Total state appropriation section 1 \$23,434,920

* To be 5 year bonds.

**To be 10 year bonds.

2 Appropriation, University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the project specified:

I. University System of New Hampshire

A. Keene State college science center \$ 860,000

Net appropriation paragraph I \$ 860,000

Total state appropriation section 2 \$ 860,000

3 Appropriation, Department of Safety and Public Works and Highways. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety

A. Addition and new roof, Hayes
 building - Concord \$1,950,000

B. New troop station Milford	
1. Land acquisition	\$ 100,000
2. Design and construction	610,000
C. Garage, troop A - Epping	<u>50,000</u>
Total state appropriation paragraph I	\$ 2,710,000

II. Public works and highways

A. Renovations to John O. Morton building - Concord (no part of this appropriation shall be used for the construction of shower facilities)	\$ 245,000
B. CAD system - Concord	\$ 950,000
C. Statewide fuel distribution system	<u>340,000</u>
Total state appropriation paragraph II	<u>\$ 1,535,000</u>
Total state appropriation section 3	\$ 4,245,000

4 Appropriation: Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Fish and game	
A. Milford fish hatchery - pump for well #2	\$ 68,000
Total state appropriation paragraph I	\$ 68,000
Total state appropriation section 4	\$ 68,000

5 Appropriation - Self Liquidating Revenue Bonds; DRED. The sums hereinafter detailed are hereby appropriated for the projects specified.

I. Hampton projects	
A. Bath house	\$ 250,000
B. Seashell repair	100,000
C. Seawall handrail	80,000
D. Engineering and supervision	<u>64,500</u>
Total state appropriation paragraph I	\$ 494,500
Total state appropriation section 5	\$ 494,500

6 Appropriation - Self Liquidating Revenue Bonds Aeronautics Commission. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Aeronautics commission	
A. Design and construction of hangar - Skyhaven	\$ 140,000**
Total appropriation paragraph I	\$ 140,000
Total state appropriation section 6	\$ 140,000

* To be 10 year bonds.

7 Appropriation; Self Liquidation Revenue Bonds; New Hampshire Port Authority. The sums hereinafter detailed are hereby applied for the project specified:

I. New Hampshire port authority - pier extension & improvement	\$ 375,000
Total paragraph I	\$ 375,000
Total state appropriation section 7	\$ 375,000

8 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5 and 6 and 7 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that with the exception of paragraphs VIII and X of section 1, all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

9 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall

be controlled by the terms of the federal law and regulations.

10 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, 6 and 7 except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

11 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5 and 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$29,242,420 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue revenue bonds and notes in the name of and in behalf of the state of New Hampshire in accordance with RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

12 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

- (a) section 3 shall be made from the highway fund;
- (b) section 4 shall be a charge against the fish and game fund;
- (c) section 5 shall be a charge against the Hampton parking meter revenues; and

- (d) section 6 shall be a charge against the Skyhaven hangar sinking fund.

13 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under sections 1, 3, 4, 5, 6 and 7 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 11 shall be reduced by the same amount.

15 Transfers. The individual project appropriations, as provided in sections 1, 3, 4, 5, 6 and 7 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

16 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, 6 and 7 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 11 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

17 Resources and Economic Development; Special Provisions. There is hereby created in the department of resources and economic development a Franconia/Sunapee snowmaking and grooming fund. At the close of each fiscal year, revenue from winter ski operations at Mount Sunapee and Cannon Mountain in excess of \$2,000,000, up to an amount not exceeding \$200,000, shall be deposited in the fund. The fund shall be continuing and non-lapsing. Funds may be used for said purpose only with the prior approval of governor and council.

18 Water Resources Dam Maintenance Fund. Amend RSA 481:31 as inserted by 1982, 24:1 as amended by striking out said section and inserting in place thereof the following new section:

481:31 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 481:30, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$3,200,000 and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

19 Lapse Date Extended; Water Resources Board Projects.

I. The appropriation made by 1979, 435:1, XII, B as amended by 1981, 565:15, III for the construction of Sugar river watershed site C-9 a flood retarding and wildlife impoundment is hereby extended to June 30, 1987.

II. The appropriation made by 1983, 423:1, VIII for the Sugar river watershed site C-9 a flood retarding and wildlife impoundment is hereby extended to June 30, 1987.

20 Lapse Date Extended; Gasoline Distribution Program. The appropriations made by 1983, 423:15 are hereby extended until June 30, 1987.

21 Department of Postsecondary Vocational Technical Education.

I. All of the CAD systems authorized in section 1, subparagraphs III, A, 2; B, 2; F, 1; and G, 1 of this act are to be compatible and interchangeable for utilization throughout the entire system as determined by the commissioner and governor and as dictated by drafting program enrollments.

II. The appropriation made in section 1, subparagraph III, H, 1 shall be used for the development of a program that will provide computer literacy to every graduate. Based on enrollments and present equipment, the commissioner and governor shall determine the allotment of the resources herein provided. All of the hardware authorized herein shall be compatible and interchangeable throughout the entire system.

III. Notwithstanding any other provision of law, for the purpose of section 1, paragraph III of this act, the department of postsecondary vocational technical education shall be exempt from the rules of the department of administrative services, division of plant and property management when purchasing any equipment.

22 Fish and Game Transfer. Notwithstanding any other provisions of law, for the purposes of section 1, subparagraph V, B, the department of fish and game shall be allowed to transfer as necessary without approval.

23 Appropriation; Mental Health Facilities Improvement Program. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies and branches named:

I. Health and human services	
A. Central psychiatric hospital	\$21,500,000
B. Community care facility	<u>2,000,000</u>

Total state appropriation	
section 23	\$23,500,000

24 Expenditures; General. The appropriation made for the purposes mentioned in section 23 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications thereof shall be awarded in accordance with the provisions of RSA 228.

25 Land Acquisition. Any land acquired under the appropriations made in section 23, if any, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

26 Bonds Authorized. To provide funds for the total of the appropriations of state

funds made in section 23 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$23,500,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Payments. The payment of principal and interest on bonds and notes issued for the projects in section 23 shall be made when due from the general funds of the state.

28 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available, for any project under section 23 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 26 shall be reduced by the same amount.

29 Transfers. The individual project appropriations, as provided in section 23, shall not be transferred or expended for any other purposes, provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, provided prior approval of the capital budget overview committee is obtained.

30 Action Plan. No expenditure may be made from the appropriation authorized by section 23 of this act until such time as the commissioner of health and human services has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.

31 Effective Date. This act shall take effect upon its passage.

Rep. Bibbo yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 266, authorizing the department of safety to join the international registration plan. Ought to Pass.

The Committee requested the opportunity to reconsider this bill because of the availability of some additional information. After weighing the merits of the bill considering the new information the Committee voted to change its earlier recommendation. Vote 9-2. Rep. Edward J. Crotty for Transportation.

Ordered to third reading.

HB 695, concerning use of safety seat belt systems in passenger automobiles equipped with such systems. Refer for Interim Study.

Besides receiving much additional documentation during the public hearing a major concern was presented. Are seat belts safe? Statistics are still coming in from the few states that have recently enacted such legislation. The majority of the Committee (vote 7-4) felt that until the statistics are available for this Committee's analysis, HB 695 should go to Interim Study. Rep. Robert L. Whiting for Transportation.

Rep. Lawrence Chase moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Refer for Interim Study, and spoke to his motion.

Rep. Pappas spoke against the motion and yielded to questions.

Rep. George Gordon spoke in favor of the motion and yielded to questions. Reps. Quimby, Reardon, Arnesen, Emanuelson and Copenhaver spoke against the motion.

Rep. Felch spoke in favor of the motion.

Rep. Carragher moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 182 NAYS 160

YEAS 182

BELKNAP: Birch, Bolduc, Brough, Dexter, Holbrook, Matthew Locke and James J. White.

CARROLL: Gene Chandler, Russell Chase, Hounsell, Kenneth MacDonald, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketer, Burley, Crane, Delano, Daniel Eaton, Grodin, Elmer Johnson, Morse, Secord and Young.

COOS: Brideau, Brungot, Chappell, Coulombe, Horton, Lamontagne, Theriault and York.

CRAFTON: Bennett, Blair, Christy, Driscoll, Hutchings, LaMott, McAvoy, Scanlan, Taffe and Howard Townsend.

HILLSBOROUGH: Barry, Beaupre, Bernier, Blais, Boisvert, Lionel Boucher, Bourdon, Boutwell, Bridgewater, Burkush, Leslie Burns, Chagnon, Charron, Cronin, Ducharme, Duperron, Durant, Dwyer, Dykstra, Fields, Fried, Gagnon, Scott Green, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Jasper, George Jones, Kelley, Labombarde, Levesque, Low, Lozeau, Martin, Howard Mason, McCue, Morrisette, Newcombe, Paquette, Paradis, Perham, Prestipino, Raiche, Frances Riley, Sallada, Shriver, Steiner, Stonner, Tamposi, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Lucille Wood and Worthen.

MERRIMACK: Barberia, Laurent Boucher, Connolly, Daniell, George Gordon, Mary Holmes, Alf Jacobson, Jelley, Kidder, Arthur Locke, Nichols, Pannell, Doris Riley, Roberts, Savaria, Shepard, Gerald R. Smith and West.

ROCKINGHAM: Blaisdell, Patti Blanchette, William Boucher, Burdick, Butler, Lawrence

Chase, Clay, Ellyson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Robert Johnson, Kane, Roger King, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Newman, Pevear, Popov, Raynowska, Norman Rogers, Rosencrantz, Schmidtchen, Schwaner, Seward, Sherburne, Stachowske, Warburton and Welch.

STRAFFORD: Appleby, Berkey, Bernard, Callahan, Chamberlin, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Keans, Kincaid, Laurion, Lussier, Meader, Pelley, Spear and Henry Sullivan.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Paul Johnson, Mehegan, Normandin and Rodeschin.

NAYS 160

BELKNAP: Bowler, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Jensen, Pearson and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes and Powers.

CHESHIRE: Davis, Frink, Irvin Gordon, Parker, Perry, Ramsay, Ridge, Russell, Schwartz, Scranton and Thompson.

COOS: Harold Burns, Chardon, Frederic Foss, Guay, Marsh, Mayhew and Ottolini.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Duggan, Easton, Michael King, Wayne King, Mann, Stewart, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bass, Bourque, John Burns, Carragher, Champagne, Chretien, Clancy, Cote, Cox, William Dion, Donovan, Joseph Eaton, Nancy Ford, Grip, Marian Harrington, Chris Jacobson, Keefe, Knight, Messier, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Pariseau, Parmenter, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Sylvia, Turgeon, Van Loan, Vanderlosk, Varkas, Harold Watson, Frank Whittemore, M. Arnold Wight, Winn and Zis.

MERRIMACK: Bardsley, Bibbo, Bowes, Fraser, Gilbreth, Gross, Hager, Hayes, C. William Johnson, Lewis, Millard, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Marilyn Campbell, Case, Connors, Conroy, Day, Emanuelson, Elizabeth Greene, Haynes, Hoar, Hollingworth, Joslyn, George Katsakiores, Phyllis Katsakiores, Kraker, Longworth, Lovejoy, Palumbo, Pantelakos, Quimby, Sanderson, Scamman, Skinner, Sloan, Sochalski, Splaine, Sytek, Vartanian, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Burton, Diamant, Dingle, Albert Dionne, Frew, Robert Jones, O'Brien, Bruce Packard, Parks, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Dismard, Ingram, Schotanus, Spaulding and Sara Townsend, and the motion was adopted.

Resolution adopted.

Rep. George Gordon moved that HB 695 be Indefinitely Postponed and spoke to his motion.

Reps. Irvin Gordon, Sara Townsend and Scamman spoke against the motion.

A division was requested.

147 members having voted in the affirmative and 194 in the negative, the motion lost.

HB 663-FN, relative to the right of attendance at public schools for certain children in homes for children. Inexpedient to Legislate.

This situation can be resolved by current state law RSA 193:27 through RSA 193:30 according to the Department of Education. Vote 11-0. Rep. William J. Hounsell for Education.

Rep. Guay moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Hounsell and William Boucher spoke in favor of the motion.

Motion adopted.

Rep. Guay offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Right of Attendance for Certain Preschoolers. Amend RSA 193:28 (supp) as inserted by 1981, 326:1 by striking out said section and inserting in place thereof the following:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, such child, if of school age or of an age which would enable the child to participate in the public school kindergarten program of the community in which the child is placed, shall be entitled to attend, in an appropriate grade, the public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside the district to attend such schools.

2 Effective Date. This act shall take effect August 1, 1985.

The Clerk read the amendment.

Rep. William Boucher spoke in favor of the amendment and yielded to questions.

Rep. Taffe spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 462-FN, transferring liquor investigators from group I to group II in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill transfers liquor investigators from group I to group II in the Retirement System. The amendment eliminates an appropriation of \$511,000 by deleting retroactive transfer. It also provides for reduced contributions and benefits for any group II members who are not exempt from social security. Vote 18-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to transferring liquor investigators from group I to group II in the New Hampshire retirement system, and group II member and employer contributions relative to FICA payments.

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Liquor Investigators Transferred to Group II. Amend RSA 100-A by inserting after section 36-f the following new section:

100-A:36-f Liquor Investigators Transferred to Group II. All liquor investigators of the enforcement division of the state liquor commission who are group I members of the New Hampshire retirement system, or members of the state employees' retirement system, shall on July 1, 1985, become members of group II in the New Hampshire retirement system, notwithstanding the provision of any law to the contrary. From July 1, 1985, those permanent employees designated in this section shall thereafter be eligible for such benefits as are provided for group II members under this chapter. The board of trustees shall make all necessary changes in its records to accomplish the foregoing transfers.

3 FICA Contributions. Amend RSA 100-A:3 by inserting after paragraph VII the following new paragraph:

VIII. If any current group II member of the retirement system is not exempt from the provisions of the Federal Insurance Contributions Act, then both the member contribution and the employer contribution to the retirement system shall be reduced by the amount of the employee and employer payments, respectively, to FICA. Each year during which both the member contribution and the employer contribution group II payments to the retirement system and payments to FICA are made shall be considered a full year of creditable group II service for the purpose of determining retirement eligibility under the provisions of this chapter, but shall be considered a reduced portion of a creditable year, with the reduction being in the same proportion as the reduction in total member and employer contributions to the retirement system, for the purposes of determining the amount of retirement benefits.

Amendment adopted.

Referred to Appropriations.

HB 12015, relating to the establishment of a reorganized department of health and human services. Ought to Pass.

The Joint Committee on Executive Branch Reorganization has unanimously approved the broad outline of this legislation. However, further testimony and research are necessary. Vote 14-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

Ordered to third reading.

HB 12016, relating to the establishment of a department of labor and employment security. Ought to Pass.

The Joint Committee on Executive Branch Reorganization has approved the broad outline of this department. The changes in the federal regulations require further deliberations before a recommendation can be made. Vote 14-2. Rep. Kathleen W. Ward for Executive Departments and Administration.

Rep. Ward yielded to question.
Ordered to third reading.

HB 504, relative to the right to know law. Inexpedient to Legislate.

The current law is very broad and as such in many cases officials within a governmental unit are often placed in a gray area of the law whenever a majority of a board happens to be in one place. The criminal penalties proposed in this bill could lead to harassment of officials in many cases. Vote 13-5. Rep. Shawn N. Jasper for Judiciary.

Rep. Chambers spoke to the Committee report.

Rep. Jasper spoke in favor of the Committee report.

Resolution adopted.

HB 782, restricting access of minors to sexually explicit films, videocassettes, and other harmful materials. Inexpedient to Legislate.

The Committee is concerned with the prevalence of explicit sexual material that is available to minors and to its effect on this age group. However, it feels that current statutes cover the situation adequately. Vote 15-0. Rep. Elizabeth D. Lown for Judiciary.

Rep. Bruce Packard spoke to the Committee report and yielded to questions.
Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Felch moved that the House reconsider its action whereby it killed HB 695, concerning use of safety seat belt systems in passenger automobiles equipped with such systems.

Reconsideration lost.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 211, relative to trapping beaver and otter. (Amendment printed SJ 4/3)

Rep. Doris Riley moved that the House concur.

Adopted.

HB 78, relative to resident commercial salt water fishing licenses. (Amendment printed SJ 4/3)

Rep. Doris Riley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Albert Dionne, Pantelakos, Gerald Smith and Powers.

Rep. Chardon moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 374-FN, making a supplemental appropriation to distribute sweepstakes funds received in excess of the original estimate.

HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor.

HB 792, relative to electing delegates to state party conventions.

HJR 5, relative to procedures for non-partisan primary elections in the town of Winchester.

HB 640, merging Merrimack Valley college into the university of New Hampshire.

HB 643, adding representatives from postsecondary vocational-technical education to the postsecondary education commission.

HB 665-FN, relative to the definition of "legal custody" for educational purposes.

HB 414, relative to the purchasing authority of the director, division of plant and property management.

HB 443-FN, establishing the central interagency motorpool study committee.

HB 575, relative to administrative procedures and state and local government cooperation.

HBI 2015, relating to the establishment of a reorganized department of health and human services.

HBI 2016, relating to the establishment of a department of labor and employment security.

HB 454, relative to courtroom security and arrests.

HB 490, relative to the pharmacy board and amending the controlled drug act.

HB 508, authorizing police officers to order removal of motor vehicle fatalities.

HB 559, reducing the penalty for first offense possession of one ounce or less of marijuana to a violation.

HB 583, relative to alimony.

HB 594, relative to sexual assault.

HB 599, relative to computer-related offenses.

HB 677, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act.

HB 697, relative to courts and court procedure.

HB 698, relative to court administration.

HB 708, relative to the indigent defense program.

HB 709, creating a privilege for certain victims and their counselors.

HB 724, relative to small claims litigation.

HB 725, relative to fees of law enforcement officers and judgments and executions.

HB 774, relative to fighting forest and brush fires on federal land.

HB 14, relative to the lien for taxes due under the interest and dividends tax.

HB 183, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration

HB 356-FN, exempting certain transfers between brothers and sisters from New Hampshire's inheritance tax.

HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax.

HB 388-FN, relative to the exemption available for stepchildren and stepparents under the legacy and succession tax.

HB 412, allowing Newmarket to separate from school administrative unit number 14.

HB 457-FN, relative to foundation aid to certain school districts.

HB 666, relative to school district budgets.

HB 167, establishing a department of commerce.

HB 288, relative to the duties and responsibilities of the department of administrative services.

HB 373, relative to terms of appointment and administratively attached agencies.

HB 628, certifying clinical mental health counselors.

HB 565, providing for the awarding of attorneys' fees in certain contempt cases.

HB 266, authorizing the department of safety to join the international registration plan.

HB 663, relative to the right of attendance at public schools for certain children in homes for children.

PERSONAL PRIVILEGE

Rep. Newman addressed the House under Personal Privilege.

Rep. Chardon moved that the House stand in recess for the purpose of referral of bills and Enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Rep. Copenhaver in the Chair)

ENROLLED BILLS REPORT

HB 200, making an appropriation for capital improvements.

Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

RECESS

(Rep. M. Arnold Wight in the Chair)

SENATE MESSAGE
REQUESTS CONCURRENCE

SB 194, relative to the civil defense agency.

SB 141, establishing a committee to study the reduction of benefits provision for group I members of the New Hampshire retirement system.

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions.

SB 113, relative to inventory blanks.

SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants.

SB 109, relative to appointment of members to the housing finance board.

SB 133, relative to eligibility for financial assistance from towns.

SB 152-FN, to establish the method of assessing time share interests.

SB 150, relative to the location of polling places in cities.

SB 176, allowing city councils to establish penalties for the violation of municipal codes.

SB 65, proscribing the transportation of alcohol in open containers.

SB 131-FN, authorizing the installation of vending machines at rest areas on the state highway system.

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions.

SB 111, defining presite built housing.

SB 105, relative to foreclosure sales of mortgaged premises.

SB 196, relative to jointly held safe deposit boxes.

SB 87, legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative and the obligations imposed by the agreement.

SB 36, relative to the disposal of sewage and the abatement of nuisances.

SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities.

SB 115, relative to financial disclosure by elected officials.

SB 138-FN, amending the administrative procedure act.

SB 139, relative to industrial development revenue bonds.

SB 136, relative to the reinstatement of Sports Program, Inc.

SB 37, relative to the preservation and disposition of Indian skeletal remains.

SB 214, prohibiting abortions performed on certain minors without parental consent.

SB 75, relative to parking spaces for any commercial enterprise.

SB 156, relative to the definition of "way."

SB 177-FN, relative to vanity plates for certain handicapped persons.

SB 193-FN, relative to parking in cities of over 90,000 persons.

SB 134, relative to highways and public waters.

SB 206-FN, relative to school building aid for the Conway school district.

SB 118-FN, relative to timely filing of returns under the meals and rooms tax.

SB 170-FN, enabling the liquor commission to lease space in its stores for placing automatic teller machines.

SB 167, permitting the delegation of site review powers.

SB 137-FN, relative to bear hunting.

SB 108, relative to administrative

attachment of occupational and professional licensing boards.

SB 215, relative to a systematic review of health coverage proposals.

SB 148, relative to the fee charged by municipalities for uncollectible checks.

SB 10, relative to small loans.

SB 130, providing for a moose hunting season.

SB 184-FN, establishing a task force to study the problem of indigent care in New Hampshire.

SB 219-FN, relative to handicapped-made products and services.

SCR 5, supporting limited heroin prescriptions for terminal cancer patients.

SB 121, relative to continuity of employment tenure for state employee benefit purposes.

SB 204, establishing a New Hampshire public employee safety act.

SCR 7, urging the United States Internal Revenue Service to repeal its ruling concerning keeping adequate contemporaneous records.

SCR 4, calling upon New Hampshire's congressional delegation to support reinstatement of the Small Business Administration.

SB 192, relative to collection procedures for municipal utilities.

SB 98, relative to transmission lines in historic districts.

SB 101, prohibiting the capturing and releasing of deer in certain areas of the state.

SB 116, relative to hunting and fishing resident licenses.

SB 2, relative to child victims and child abuse.

SB 198, relative to the adoption statutes.

SCR 6, relative to supreme court rules and child abuse victims.

SB 195, creating a children's trust fund study committee.

SB 147, establishing a committee to study a health containment measure.

SB 94, relative to criminal mischief.

SB 68, relative to comparative contribution.

SB 171, relative to sentencing for driving while intoxicated offenses.

SB 80, lowering the required level of blood alcohol content from 10/100 to 8/100 as per se evidence of intoxication.

SB 110, establishing a committee for judicial excellence.

SB 96, relative to patient consent.

SB 142-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test, or if the results of such tests show that a DWI offense has been committed.

SCR 3, urging the reestablishment of salmon and shad in the Merrimack River.

SB 126, relative to investing the moneys in the waterfowl conservation account.

SB 140-FN, establishing a wild turkey stamp.

SB 208, relative to labeling of maple syrup.

SB 174, exempting transfers of title between nonprofit hospitals from the real estate transfer tax.

SB 67, relative to the execution of wills.

SB 81, establishing a probationary license for "at risk" drivers.

SB 72, relative to civil penalties for bad checks.

SB 143-FN, relative to mandatory sentences for driving while intoxicated.

SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances.

SB 179, relative to appointed county budget committees.

SB 178-FN, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days.

SB 185-FN, relative to the registration of motorcycle.

SB 145, relative to the regulation of mortgage companies.

SB 70, relative to the board of dental examiners.

SB 85, relative to the sale and distribution of cigarettes.

SB 123, relative to an increased adjusted elderly exemption for the city of Portsmouth.

SB 117, establishing an annual commemorative rifle lottery.

SB 210, permitting the use of a separate ballot for proposed zoning amendments.

SB 149, eliminating the position of city sealer of weights and measures in Manchester and Nashua.

SB 158, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period.

SB 154-FN, allowing the liquor commission to impose a administrative fine in addition to revocation and suspension.

SB 27-FN, allowing off-site caterers to sell liquor and beverages to members of a private party.

SB 183-FN, relative to delinquents.

SB 114, relative to wiretapping and eavesdropping.

SB 181, relative to the collection of the gasoline tax.

SB 209, relative to raffles.

SB 66-FN, allowing non-profit charitable organizations, and social and sports clubs to sell lucky 7 tickets.

Rep. Hawkins offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 194, 141, 220, 113, 63, 109, 133, 152, 150, 176, 65, 131, 103, 111, 105, 196, 87, 36, 91, 115, 138, 139, 136, 37, 214, 75, 156, 177, 193, 134, 206, 118, 170, 167, 137, 108, 215, 148, 10, 130, 184, 219, SCR 5, SBs 121, 204, SCR 7, SCR 4, SBs 192, 98, 101, 116, 2, 198, SCR 6, SBs 195, 147, 94, 68, 171, 80, 110, 96, 142, SCR 3, SBs 126, 140, 208, 174, 67, 81, 72, 143, 54, 179, 178, 185, 145, 70, 85, 123, 117, 210, 149, 158, 154, 27, 183, 114, 181, 209, 66, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 194, relative to the civil defense agency. (Executive Departments and Administration)

SB 141, establishing a committee to study the reduction of benefits provision for group I members of the New Hampshire retirement system. (Executive Departments and Administration)

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions. (Judiciary)

SB 113, relative to inventory blanks. (Municipal and County Government)

SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants. (State Institutions and Housing)

SB 109, relative to appointment of members to the housing finance board. (State Institutions and Housing)

SB 133, relative to eligibility for financial assistance from towns. (Municipal and County Government)

SB 152-FN, to establish the method of assessing time share interests. (Judiciary)

SB 150, relative to the location of polling places in cities. (Constitutional and Statutory Revision)

SB 176, allowing city councils to establish penalties for the violation of municipal codes. (Municipal and County Government)

SB 65, proscribing the transportation of alcohol in open containers. (Transportation)

SB 131-FN, authorizing the installation of vending machines at rest areas on the state highway system. (Public Works)

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions. (Municipal and County Government)

SB 111, defining presite built housing. (State Institutions and Housing)

SB 105, relative to foreclosure sales of mortgaged premises. (Judiciary)

SB 196, relative to jointly held safe deposit boxes. (Commerce, Small Business and Consumer Affairs)

SB 87, legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative and the obligations imposed by the agreement. (Municipal and County Government)

SB 36, relative to the disposal of sewage and the abatement of nuisances. (Resources, Recreation and Development)

SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities. (Resources, Recreation and Development)

SB 115, relative to financial disclosure by elected officials. (Legislative Administration)

SB 138-FN, amending the administrative procedure act. (Executive Departments and Administration)

SB 139, relative to industrial development revenue bonds. (Commerce, Small Business and Consumer Affairs)

SB 136, relative to the reinstatement of Sports Programs, Inc. (Constitutional and Statutory Revision)

SB 37, relative to the preservation and disposition of Indian skeletal remains. (Public Works)

SB 214, prohibiting abortions performed on certain minors without parental consent. (Health and Human Services)

SB 75, relative to parking spaces for any commercial enterprise. (Commerce, Small Business and Consumer Affairs)

SB 156, relative to the definition of "way." (Transportation)

SB 177-FN, relative to vanity plates for disabled or handicapped persons. (Transportation)

SB 193-FN, relative to parking in cities of over 90,000 persons. (Transportation)

SB 134, relative to highways and public waters. (Public Works)

SB 206-FN, relative to school building aid for the Conway school district. (Education)

SB 118-FN, relative to timely filing of returns under the meals and rooms tax. (Ways and Means)

SB 170-FN, enabling the liquor commission to lease space in its stores for placing automatic teller machines. (Regulated Revenues)

SB 167, permitting the delegation of site review powers. (Municipal and County Government)

SB 137-FN, relative to bear hunting. (Fish and Game)

SB 108, relative to administrative attachment of occupational and professional licensing boards. (Executive Departments and Administration)

SB 215, relative to a systematic review of health coverage proposals. (Health and Human Services)

SB 148, relative to the fee charged by municipalities for uncollectible checks. (Municipal and County Government)

SB 10, relative to small loans. (Commerce, Small Business and Consumer Affairs)

SB 130, providing for a moose hunting season. (Fish and Game)

SB 184-FN, establishing a task force to study the problem of indigent care in New Hampshire. (Health and Human Services)

SB 219-FN, relative to handicapped-made products and services. (Executive Departments and Administration)

SCR 5, supporting limited heroin prescriptions for terminal cancer patients. (Health and Human Services)

SB 121, relative to continuity of employment tenure for state employee benefits purposes. (Labor, Industrial and Rehabilitative Services)

SB 204, establishing a New Hampshire public employee safety act. (Labor, Industrial and Rehabilitative Services)

SCR 7, urging the United States Internal Revenue Service to repeal its ruling concerning keeping adequate contemporaneous records. (State-Federal Relations)

SCR 4, calling upon New Hampshire's congressional delegation to support reinstatement of the Small Business Administration. (Commerce, Small Business and Consumer Affairs)

SB 192, relative to collection procedures for municipal utilities. (Municipal and County Government)

SB 98, relative to transmission lines in historic districts. (Municipal and County Government)

SB 101, prohibiting the capturing and releasing of deer in certain areas of the state. (Fish and Game)

SB 116, relative to hunting and fishing resident licenses. (Fish and Game)

SB 2, relative to child victims and child abuse. (Children, Youth and Elderly Affairs)

SB 198, relative to the adoption statutes. (Judiciary)

SCR 6, relative to supreme court rules and child abuse victims. (Children, Youth and Elderly Affairs)

SB 195, creating a children's trust fund study committee. (Children, Youth and Elderly Affairs)

SB 147, establishing a committee to study a health containment measure. (Health and Human Services)

SB 94, relative to criminal mischief. (Judiciary)

SB 68, relative to comparative contribution. (Judiciary)

SB 171, relative to sentencing for driving while intoxicated offenses. (Judiciary)

SB 80, lowering the required level of blood alcohol content from 10/100 to 8/100 as per se evidence of intoxication. (Judiciary)

SB 110, establishing a committee for judicial excellence. (Judiciary)

SB 96, relative to patient consent. (Judiciary)

SB 142-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test, or if the results of such tests show that a DWI offense has been committed. (Transportation)

SCR 3, urging the reestablishment of salmon and shad in the Merrimack River. (Fish and Game)

SB 126, relative to investing the moneys in the waterfowl conservation account. (Fish and Game)

SB 140-FN, establishing a state wild turkey stamp. (Fish and Game)

SB 208, relative to labeling of maple syrup. (Commerce, Small Business and Consumer Affairs)

SB 174, exempting transfers of title between nonprofit hospitals from the real estate transfer tax. (Ways and Means)

SB 67, relative to the execution of wills. (Judiciary)

SB 81, establishing a probationary license for "at risk" drivers. (Transportation)

SB 72, relative to civil penalties for bad checks. (Judiciary)

SB 143-FN, relative to mandatory sentences for driving while intoxicated. (Judiciary)

SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances. (Judiciary)

SB 179, relative to appointed county budget committees. (Municipal and County Government)

SB 178-FN, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days. (Municipal and County Government)

SB 185-FN, relative to the registration of autocycle. (Transportation)

SB 145, relative to the regulation of mortgage companies. (Commerce, Small Business and Consumer Affairs)

SB 70, relative to the board of dental examiners. (Executive Departments and Administration)

SB 85, relative to the sale and distribution of cigarettes. (Ways and Means)

SB 123, relative to an increased adjusted elderly exemption for the city of Portsmouth. (Municipal and County Government)

SB 117, establishing an annual commemorative rifle lottery. (Fish and Game)

SB 210, permitting the use of a separate ballot for proposed zoning amendments. (Municipal and County Government)

SB 149, eliminating the position of city sealer of weights and measures in Manchester and Nashua. (Municipal and County Government)

SB 158, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period. (Municipal and County Government)

SB 154-FN, allowing the liquor commission to impose a administrative fine in addition to revocation and suspension. (Regulated Revenues)

SB 27-FN, allowing off-site caterers to sell liquor and beverages to members of a private party. (Regulated Revenues)

SB 183-FN, relative to delinquents. (Judiciary)

SB 114, relative to wiretapping and eavesdropping. (Judiciary)

SB 181, relative to the collection of the gasoline tax. (Ways and Means)

SB 209, relative to raffles. (Regulated Revenues)

SB 66-FN, allowing non-profit charitable organizations, and social and sports clubs to sell lucky 7 tickets. (Regulated Revenues)

RECESS

(Rep. Rounds in the Chair)

Rep. Sara Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 199 and 200, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 199, relative to a reorganized department of revenue administration. (Executive Departments and Administration)

SB 200, establishing a department of transportation. (Executive Departments and Administration)

ENROLLED BILLS AMENDMENT

HB 98, relative to adopting the spotted newt as the state amphibian.

Amendment

Amend section one of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 New Section. Amend RSA 3 by inserting after section 15 the following new section:

3:16 State Amphibian. The spotted newt, *Notophthalmus viridescens*, is

This amendment rennumbers a RSA section to avoid duplicating the numbering of RSA sections inserted by House Bill 60.

Adopted.

ENROLLED BILLS REPORT

HB 50, prohibiting advertisement of liquor and alcoholic beverage prices.

HB 81, relative to the age of a person who could withdraw from school with parental consent.

HB 85, relative to the appeals process for special education.

HB 105, relative to sunset review of general services and administration.

HB 149, relative to sunset review of the extension work in counties.

HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company.

Rep. Natalie S. Flanagan
Sen. Mark Hounsell
For the Committee.

RECESS

(Rep. Matson in the Chair)

Rep. Hoar offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1 and 189, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 1-FN, relative to settlement laws.
(Children, Youth and Elderly Affairs)

SB 189-FN, providing cost of living increases to teachers who retired prior to 1957. (Appropriations)

ENROLLED BILLS REPORT

HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries.

HB 73, preventing cruelty to live vertebrate animals in elementary and secondary school classes and science fairs.

HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts.

HB 211, relative to trapping of beaver and otter.

HB 279, relative to a multi-state lotto compact.

SB 69, relative to the termination of tenancies in manufactured housing parks.

CACR 1, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by law.

HB 98, relative to adopting the spotted newt as the state amphibian.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 18

Thursday, 18Apr85

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O give thanks to the Lord; yes, Lord, teach us how to give thanks for life and health. Help us to express our thanks for friends and their caring. Let us give thanks for contracts signed, agreements made and kept. We thank You that we live in a land where we can debate, vote and agree on issues. We thank You that we can even have room to disagree without fighting or killing one another. Let our actions this day grow out of our acknowledgement that we have much to be thankful for. Amen.

Rep. Krasker led by the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Wells, Appleby, Pevear, Labombarde, Geraldine Watson, Ames, and Reidy, the day, illness.

Reps. Hollingworth, Pappas, Simon, Doris Riley, Kenneth MacDonald, Bass, Hardy, Brown, Mann, Musler, Case, Prestipino, Parr, Davis, Duggan, Lionel Boucher, Kinhan, and Dwyer, the day, important business.

Reps. Jensen and Bowler, the day, death in the family.

Reps. Butler and Meader, the day, illness in the family.

INTRODUCTION OF GUESTS

Littleton High School students with their teachers, Mr. and Mrs. Joyce, guests of Reps. Ward, McAvoy and Whitcomb; Belmont High School students with their teacher, Mrs. Moulton, guests of Rep. Hawkins; former Rep. James Demers, guest of Rep. Diamant; students from the Bear Hill School in Chester with their teacher, Mary Rezenenco, guests of Rep. Anderson; Marina Cowan, student at Londonderry High School, guest of Rep. McKinney; Elizabeth Miller of Malvern, Pennsylvania, mother of Rep. Taffe.

The Speaker introduced former Minority Leader, Rep. Chris Spirou, guest of the Speaker and Rep. Chambers.

SENATE MESSAGES CONCURRENCE

HB 392-FN, relative to special plates for former prisoners of war.

HB 587, relative to motor vehicle warranties.

HB 314, to reclassify a certain highway in the town of Dunbarton.

HB 243, relative to county purchasing regulations.

HB 90-FN, relative to the notice required for the adoption of the Hillsborough county budget.

HB 596, relative to restoring the old state house at Strawberry Banke.

HB 205, repealing statutes affecting an agency that has been sunsetted.

HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees.

HB 272, relative to mortgages.

HB 193, relative to the Rockingham county jail.

HB 199-FN, authorizing the position of assistant county attorney for Carroll county.

HB 407, allowing towns to regulate tattooing facilities.

HB 248, relative to the community development block grant program.

HB 96, amending certain planning and zoning statutes.

HB 187, relative to antitrust liability of municipalities in planning and zoning.

HB 208, relative to penalties for violations of the planning and zoning statutes.

HB 102-FN, relative to sunset review of the daily number game.

HB 125-FN, relative to sunset review of pari-mutuel laboratories.

HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy.

NONCONCURRENCE

HB 49, changing the date for observance of Memorial Day.

HB 260, relative to appropriated funds in Hillsborough county.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 179, allowing the sale of liquor in railway dining cars stopped at terminals. (amendment printed SJ 4/11)

Rep. Kelley moved that the House concur. Adopted.

ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 47, relative to living wills.

The President appointed Sens. McLane, Boyer and White.

HB 78, relative to resident commercial salt water fishing licenses.

The President appointed Sens. Wiggins, Preston and Griffin.

ENROLLED BILLS REPORT

HB 90, relative to the notice required for the adoption of the Hillsborough county budget.

HB 243, relative to county purchasing regulations.

HB 314, to reclassify a certain highway in the town of Dunbarton.

HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees.

HB 392, relative to special plates for former prisoners of war.

HB 587, relative to motor vehicle warranties.

HB 596, relative to restoring the old state house at Strawberry Banke.

Rep. Chris Jacobson

Sen. Mark Hounsell

For the Committee.

ENROLLED BILLS AMENDMENT

HB 25, recodifying RSA title XL and relocating certain RSA chapters.

Amendment

Amend RSA 432:11, II as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

of all other districts and facilitate an interchange of advice,

Amend RSA 432:11, IV as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

this state, and of town and county governments, in the work of such districts,

Amend RSA 432:12 as inserted by section one of the bill by striking out line 29 and inserting in place thereof the following:

districts" and shall have all the powers and duties provided in this

Amend RSA 432:33 as inserted by section one of the bill by striking out line one and inserting in place thereof the following:

432:33 Immunity from Suit. No agricultural operation shall be found a

This amendment corrects several grammatical errors.

The Clerk read the amendment.

Rep. Rounds moved that the amendment be adopted.

Adopted.

VACATE

Rep. Sytek moved that the House vacate the reference of SB 152, to establish the method of assessing time-share interests, to the Committee on Judiciary.

Adopted.

The Speaker referred SB 152 to the Committee on Commerce, Small Business and Consumer Affairs.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 66, eliminating the exception of insurance from certain provisions of the Administrative Procedure Act and excepting

the bank commissioner from certain provisions of the Administrative Procedure Act.

(Amendment printed SJ 4/17)

Rep. Quimby moved that the House concur. Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 47

HB 47, relative to living wills. (Report printed SJ 4/17)

Rep. Francis Robinson moved that the House adopt the report and spoke to his motion.

Adopted.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of HR 30, requesting an opinion of the justices concerning the constitutionality of HB 400, without referral to committee, printing, public hearing, committee report and two days notice in the Calendar.

Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 30

requesting an opinion of the justices concerning the constitutionality of HB 400.

WHEREAS, the House of Representatives has before it HB 400, An Act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987, and

WHEREAS, questions have been raised as to the constitutionality of certain provisions of HB 400 in light of the recent adoption of Article 18-a of Part II of the New Hampshire Constitution which prohibits certain types of provisions in any budget bill, and

WHEREAS, the House of Representatives is scheduled to act on HB 400 in the near future, but will have an opportunity to act again on HB 400 after HB 400 has gone through the legislative process in the Senate; and

WHEREAS, there is an urgent need to resolve the questions concerning the constitutionality of HB 400 in the most expeditious manner possible, now therefore be it

RESOLVED, by the House of Representatives:

That the Supreme Court is respectfully requested to give their opinion upon and answer the following questions as soon as it may be possible:

1. Do any of the provisions after section one of HB 400 violate Article 18-a, Part II or any other provision of the New Hampshire Constitution?

2. If the answer to question 1 is in the affirmative, which provisions do violate the Constitution?

That the clerk of the House transmit copies of this resolution and HB 400 to the Justices of the New Hampshire Supreme Court.

The Clerk read the resolution. Ordered to third reading.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 433 was removed at the request of Rep. M. Arnold Wight.

HB 438 was removed at the request of Rep. James J. White.

HB 459 was removed at the request of Rep. Woodward.

HB 488 was removed at the request of Rep. Bibbo.

HB 686 was removed at the request of Rep. Dickinson.

HB 189 was removed at the request of Reps. Rounds and Chambers.

HB 214 was removed at the request of Rep. Elizabeth Greene.

HB 289 was removed at the request of Reps. Rounds and Chambers.

HB 619 was removed at the request of Rep. Marian Harrington.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

HB 114-FN, relative to sunset review of vocational rehabilitation education programs. Ought to Pass with Amendment.

The amendment refines the wording in this bill which is a sunset review of vocational rehabilitation programs. It was requested and provided by the Education Committee. Vote 17-1. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend RSA 186-C:3, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. The special education bureau shall include a research and demonstration unit. The unit shall, subject to available funding, study critical issues and problems facing teachers, local district administrators, department officials, and elected policy makers concerning the special education and development and propose practical solutions to those problems.

Amend RSA 186-C:3-a as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

186-C:3-a Duties. The primary duty of the special education bureau shall be to help school districts meet their responsibilities under this chapter and under federal law regarding the education of educationally handicapped children. The special education program of the department of education shall develop and analyze information on issues and problems of regional and statewide importance and on assisting school districts in dealing with these issues and problems. The department shall ensure that the bureau's regulation and monitoring of school district activities shall not exceed what is necessary for compliance with this chapter and with federal law regarding the education of educationally handicapped children.

I. The bureau shall, subject to available funding, develop, implement and evaluate statewide special education

policies, standards and programs. In carrying out this mission, the bureau shall gather and collect data and organize and analyze instruction about programs, conditions and trends in special education in the state. In addition, the bureau shall be responsible for monitoring and maintaining information about national and regional trends, instructions and issues affecting special education in New Hampshire. The bureau shall make this information available to the districts and use this information to:

(a) Assess the needs of school districts for assistance in carrying out their responsibilities for educating handicapped children;

(b) Identify cost effective alternative programs for serving educationally handicapped children;

(c) Focus resources on students requiring extensive services; and

(d) Develop cost and service level benchmarks for special education in New Hampshire which may be used as reference points by districts to measure the effectiveness of their programs in meeting educational goals and objectives.

II. The special education bureau shall provide technical assistance and information to the school districts so that the districts may effectively and efficiently identify, clarify and address their specific responsibilities under state and federal special education laws. This assistance shall include the provision of mediation services to resolve special education disputes and the provision of expertise regarding specific educationally handicapping conditions. Whenever technical assistance of a specialized nature, beyond that available in the department, is required, the bureau shall assume a leadership role in identifying sources of such assistance in other state agencies, the federal government, volunteer services or the private sector.

III. The special education bureau shall administer those federal and state funding programs for special education assigned to it by law. The bureau shall also make recommendations to the state board regarding management systems, standard definitions and procedures in order to provide uniform reporting of special education services and expenditures by school districts and school administrative units.

IV. The special education bureau shall monitor the operations of local school districts regarding compliance with state and federal laws regarding the education of educationally handicapped students. The bureau's regulatory program shall be structured and implemented in a prudent manner and shall not place an excessive administrative burden on local districts. The bureau and districts shall approach monitoring and regulation in a constructive, cooperative manner with a goal of improving special education in New Hampshire.

Amend paragraph II of section 7 of the bill by striking out same and inserting in place thereof the following:

II. There is hereby established the special education information task force

which shall consist of 13 members: the chairman of the house committee on education or his designee; the chairman of the senate committee on education or his designee; one representative of the governor; one local school board member appointed by the New Hampshire School Boards Association; the supervisor of computer and statistical services of the department of education; the head of the special education bureau of the department of education or his designee; one member of the New Hampshire Special Education Administrators Association appointed by the association; one special education teacher appointed by the New Hampshire Federation of the National Council for Exceptional Children; one local superintendent of schools appointed by the New Hampshire School Administrators Association; the director of policy and planning for the department of health and human services or his designee; the director of the division of informational services of the department of administrative services or his designee; a representative of the Parent Information Center; and the director of the division for children and youth services or his designee. The task force shall elect a chairman from among its members.

HB 293, relative to the aeronautical fund. Inexpedient to Legislate.

The Committee felt that at this time it was not prudent to establish a fund for aeronautics. Vote 16-0. Rep. Lee Anne Steiner for Appropriations.

HB 304-FN, to protect communities from the fiscal impact of court-ordered placement of children. Inexpedient to Legislate. This bill deals with the concept of settlement on behalf of communities. The bill would tend to eliminate incentives on the part of communities to continue funding of alternative programs. The Committee holds that SB 1 is a more comprehensive treatment of the settlement concept and it more fairly addresses state, city, town relationships with respect to the settlement issue. Vote 19-1. Rep. John J. Kane for Appropriations.

HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line. Ought to Pass. The present bridge with its many decaying piers causes debris and ice to back up causing flooding in Tilton. Lack of bridge would disrupt rail line from north to south. Vote 14-1. Rep. Lee Anne Steiner for Appropriations.

HB 342-FN, increasing the amount of the tax exemption for post-secondary institutions. Inexpedient to Legislate. Although the concept of this bill was laudable, it placed the tax impact on just a few communities. The Committee felt the question was better left to the communities and institutions to resolve. Vote 15-1. Rep. Andrea A. Scranton for Appropriations.

HB 437-FN, relative to an engineering study of the intersection of Route 9 and Route 155 and making an appropriation therefor. Inexpedient to Legislate.

This situation has been addressed by the highway department and a satisfactory solution has been reached without this legislation. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

HB 439-FN, relative to the financing of regional planning commissions and making an appropriation therefor. Inexpedient to Legislate.

This bill would provide additional funding for regional planning commissions. It is the feeling of the Committee that any additional funding should be through the operating budget not through a "special." It is the intent of the Committee to provide additional funding in HB 400. Vote 17-0. Rep. Robert A. Johnson for Appropriations.

HB 450-FN, establishing a research program for eradication and control of milfoil at the University of New Hampshire and making an appropriation therefor. Inexpedient to Legislate.

Milfoil is a widespread problem not confined to New Hampshire. Studies are being done in other states. When they find a solution, we will avail ourselves of it. Vote 16-0. Rep. Lee Anne Steiner for Appropriations.

HB 470-FN, relative to homemaker services. Inexpedient to Legislate.

This bill establishes homemaker services administered by the Department of Health and Human Services. The bill would appropriate \$686,000 for FY 86. The Committee agreed that homemaker services are already available in the state and that other priorities preclude approval of an appropriation of this magnitude. Vote 20-0. Rep. John J. Kane for Appropriations.

HB 479-FN, establishing an alcohol and drug abuse prevention fund. Inexpedient to Legislate.

This bill would establish a mechanism to designate funds for alcohol and drug abuse prevention. The Committee prefers to address funding of Alcohol and Drug Abuse Prevention in the budget, acknowledging that it supports HB 517 dealing with revenue from forfeiture. Vote 20-1. Rep. Edward Densmore for Appropriations.

HB 485-FN, relative to the number plate fund. Ought to Pass with Amendment.

This bill sets up an increased revolving inventory fund of highway and public works funds for replacement of reflectorized number plates. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Fund Increased. Amend RSA 228:25, I as inserted by 1981, 87:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. There is hereby established an inventory fund in the department of safety in the amount of \$2,000,000 which sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not otherwise appropriated. The prison shall purchase such raw materials as may be required and agreed to by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. This purchase shall be a charge against the inventory fund and the prison shall be responsible for the control and accountability of the raw materials so charged. Said number plates shall be manufactured at the state prison. The prison shall be furnished out of said inventory account the raw materials necessary to manufacture said plates and upon receipt of the finished plates by the department of safety shall be reimbursed for their direct and indirect costs. The commissioner of safety shall, annually, request the comptroller to review and approve said cost rates. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee the sum of \$1.50 per plate at the time of issue said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give the registrant any title or other property interest in said plates. The commissioner of safety or his deputy may request from time to time delivery of said number plates from the prison and shall reimburse said inventory fund by a transfer from revenue. At least 6 months prior to subsequent general issue, a transfer from revenue shall be made for all remaining finished plates in inventory.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Inventory fund. Amend RSA 288:24 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

228:24 Inventory Fund. There is hereby established a public works and highway inventory fund not to exceed \$1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not otherwise appropriated. The commissioner of public works and highways may purchase, through the division of property and plant management, such operating materials and supplies as may be necessary for the operation of the department which shall be a charge against said fund. Materials or supplies requisitioned therefrom by a division of the department or by other state departments shall upon delivery be a charge against the funds of such division or other state department. All sales of materials and

supplies from the inventory shall be credited to the inventory fund and are hereby appropriated to and made available for expenditures from the inventory fund. The commissioner shall transfer from the inventory fund to the highway fund the total amount paid by divisions of his department or other state departments into said fund in excess of the cost of any materials or supplies purchased therefrom.

4 Motor Fuel Inventory Fund. Amend RSA 228:24-a (supp) as inserted by 1983, 423:15 by striking out said section and inserting in place thereof the following:

228:24-a Motor Fuel Inventory Fund. There is hereby established a motor fuel inventory fund not to exceed \$1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not otherwise appropriated. The commissioner of public works and highways may purchase, through the division of property and plant management, such amounts of motor fuels as may be necessary for the operation of an automated state fleet fuel distribution and records management system. The commissioner is further authorized to sell motor fuel from the motor fuel inventory to all departments and institutions of the state, political subdivisions of the state, and agencies of the federal government. He is authorized to assess a fair and equitable charge with respect to the sale of motor fuel sufficient to defray all administrative, transportation, storage, amortization and other costs incurred by the department in administering this account sufficient to fully reimburse the inventory fund.

5 Effective Date. This act shall take effect upon its passage.

HB 498, relative to the dam maintenance fund and making an appropriation therefor. Ought to Pass with Amendment.

Additional bonding is required for state owned dams in this continuing sequence of repair and maintenance. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend RSA 228:4, I(c) as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

(c) Projects for the department of resources and economic development whose estimated cost is more than \$10,000 but not more than \$75,000. Such projects may be done on a force account basis upon recommendation of the commissioner that such procedure is in the best interest of the state, and with the prior approval of the legislative fiscal committee and with the approval of governor and council.

HB 616-FN, relative to funding of the fire standards and training commission. Inexpedient to Legislate.

The funding mechanism for this bill contains several potential constitutional defects. A similar proposal, adopted in 1981, was challenged in Court, and upon

recommendation of the Attorney General the suit was not defended and the statute was repealed. The currently proposed state operating budget does contain funding for the fire standards and training commission. The Committee reasoned that funding through the budget would guarantee an appropriation for the commission. Reliance upon the funding mechanism in HB 616-FN might provide the unfortunate effect of denying state assistance to the fire standards and training commission, should this scheme again fall to a certain court challenge. Vote 18-0. Rep. Michael B. King for Appropriations.

HB 714-FN, relative to fees for teacher certification. Inexpedient to Legislate. The Committee felt the use of teacher certification fees was proper. Vote 21-1. Rep. Andrea A. Scranton for Appropriations.

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money. Ought to Pass with Amendment. The Committee agreed with the change made in this law as to signatures by trustees or directors, but amended the wording to indicate that at least 2 officers sign. Vote 16-0. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 384:16 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

384:16 Borrowing. No savings bank, state bank, or trust company shall hire money or give the note of such institution except by vote of the trustees or directors thereof, duly recorded; and all such notes shall be signed by at least 2 officers designated in said vote. For the purpose of securing such loan or loans, said bank or company may pledge as security therefor real estate mortgages, notes, stocks, or other securities.

CACR 5, relating to amending the constitution. Providing that amendments proposed by the general court or a constitutional convention be spread out over several state general elections. Inexpedient to Legislate.

The Committee feels that this resolution would take away the right of the people to make changes in the Constitution. Vote 8-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

SB 41, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election. Inexpedient to Legislate.

Whereas the problem addressed in this bill has only occurred once to its knowledge, the Committee feels this bill is unnecessary. Vote 10-0. Rep. Mary J. Shriver for Constitutional and Statutory Revision.

SB 100, reinstating the charter of the Golden Rule Farm Homes Association. Ought to Pass.

The Committee was unanimous in its opinion that the Charter of the Golden Rule Farm Homes Association be reinstated. This would allow any moneys received by this Association to be accepted and then turned over to the Spaulding Youth Center for their use. Vote 10-0. Rep. Roger Stewart for Constitutional and Statutory Revision.

SCR 2, requesting the United States Congress to amend the United States Constitution to limit the total number of congressional terms a person may serve. Inexpedient to Legislate.

The Committee feels that this resolution will take away the rights of voters to elect whomever they want. Vote 8-0. Rep. Martin P. Lussier for Constitutional and Statutory Revision.

SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears. Ought to Pass with Amendment.

This bill allows the Executive Director of the Fish and Game Department to set the limits and bear seasons for the next 2 years and the 2-year limit allows the Fish and Game Committee and the Legislature in general to keep a handle on the bear season. Vote 13-3. Rep. Milton A. Cate for Fish and Game.

Amendment

Amend RSA 208:22, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The executive director, with the consent of the commission, shall adopt rules, pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear, fixing the number of wild black bear that may be taken and any other conditions governing the methods and manner of taking and reporting of the same. The authority of the executive director as granted by this section may be exercised with reference to the state as a whole or for any specified county or part of a county until January 1, 1987; provided, however, the executive director shall set the opening date of the bear season for 1987. Dog training shall be permitted in accordance with RSA 207:12-a.

Amend RSA 208:22, IX(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Whoever violates the provisions of paragraphs V, VII, VIII, and X shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

SB 19, relative to expending fines and forfeitures collected for fish and game violations on certain rewards. Inexpedient to Legislate.

This is a snitch bill which will open up a "can of worms" for the Fish and Game Department. Under present RSA "poachers" can be sufficiently dealt with. Vote 14-3. Rep. Gerald R. Smith for Fish and Game.

SB 28, relative to search and rescue in the White Mountains during the winter months. Refer for Interim Study.

The Committee feels this bill has merit, therefore it should be studied. The Mountain Rescue League, Appalachian Mountain Club and Sierra Club should work with the Committee and Fish and Game Department to come up with possible recommendations for future rescues. Vote 17-0. Rep. Laura Pantelakos for Fish and Game.

HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor. Ought to Pass with Amendment.

This bill proposes to fund the acquisition of agriculture land development rights. After the regular hearing a subcommittee met and recommended bonding instead of funding with real estate transfer tax revenues. Bonding was approved by this body in the original 1979 funding. All parties testifying were in favor of funding this bill. Vote 18-1. Rep. Robert H. Grip for Ways and Means.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation; Bonds Authorized. The sum of \$2,000,000 is hereby appropriated to fund the acquisition of development rights in accordance with RSA 36-D. These funds are in addition to any other appropriation for the same purpose. To provide funds for said appropriation, the state treasurer may borrow upon the credit of the state not exceeding the sum of \$2,000,000 and issue bonds and notes in the name of and on behalf of the state in accordance with RSA 6-A. The bonds issued under this section shall be payable not later than 10 years from their date or dates of issue.

2 Payments. The payment of principal and interest on the \$2,000,000 of the bonds and notes issued for the purposes of section 1 of this act shall be made when due from the general fund.

3 Governor and Council Approval. Amend RSA 36-D by inserting after section 14 the following new section:

36-D:15 Governor and Council Approval. The purchase of any agricultural land preservation restrictions or development rights in the name of the state of New Hampshire or their release, in whole or in part, by the state pursuant to the provisions of this chapter shall be approved by governor and council.

4 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 302-FN, relative to foreclosure deeds and payment of the real estate transfer tax. Ought to Pass with Amendment.

This bill, as amended, puts in place a provisional cigarette tax. The tax increase will be exactly the same as the federal excise tax is reduced. If no reduction, there will be no increase in New Hampshire Cigarette Tax. Vote 16-1. Rep. Roland A. Sallada for Ways and Means.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

provisionally increasing the tobacco tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Provisional Tax Rate Increase. Amend RSA 78:7 (supp) as amended by striking out said section and inserting in place thereof the following:

78:7 Tax Imposed.

I. A tax upon the retail consumer is hereby imposed at the rate of 12 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state; provided, however, that such rates shall be increased to the rates of taxation imposed by Vermont on the date the Vermont tobacco tax is increased, except that if Vermont imposes a tax which exceeds the rate of 17 cents for each package containing 20 cigarettes and a rate proportional to such rate for packages containing more or less than 20 cigarettes, then the tax hereby imposed shall be at the rate of 17 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

II. If the increase or any portion thereof in the federal excise tax on cigarettes imposed and in effect on January 1, 1983, Public Law 97-248, section 283(c), is abolished on October 1, 1985, the rate of the tax imposed in paragraph I shall be 20 cents, or at a rate between 12 and 20 cents if the federal excise tax on cigarettes is not completely abolished, for each package

containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. In the event that the rate of the tax imposed in paragraph I is increased in order to match any increase in the rate of taxation imposed by Vermont, then any such increase shall also include an additional 8 cents if the increase in the federal excise tax on cigarettes imposed and in effect on January 1, 1983, is abolished on October 1, 1985, or any portion of the increase in the federal excise tax on cigarettes if such increase is not completely abolished.

2 Metering Machines and Stamps to Reflect Increase. If the increase or any portion thereof in the federal excise tax on cigarettes imposed and in effect on January 1, 1983, Public Law 97-248, section 283(c), is abolished on October 1, 1985, then every manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer shall file a report with the commissioner in such form as the commissioner shall prescribe showing cigarettes, stamps, and meter-registered settings on hand at 12:01 a.m. on October 1, 1985. A tax shall then be imposed at the rate of 8 cents, or at a rate between one and 8 cents if the federal excise tax on cigarettes is not completely abolished, for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, and at the rate of 8 cents, or at a rate between one and 8 cents if the federal excise tax on cigarettes is not completely abolished, upon all stamps and all meter-registered settings purchased from the commissioner and not affixed to cigarettes prior to October 1, 1985. The tax imposed under this section shall be due and payable on a one-time basis on or before October 31, 1985. The commissioner shall pay over all revenue collected from the tax imposed under this section to the state treasurer.

3 Effective Date. This act shall take effect upon its passage.

HB 425-FN, relative to the real estate transfer tax. Inexpedient to Legislate.

It was the unanimous opinion of the Committee that the Real Estate Tax may stay at the \$5 and \$5 level so the dollars to the Registers of Deeds will be the same amount as last year. Vote 15-1. Rep. Roland A. Sallada for Ways and Means.

HB 469-FN, providing that 10 percent of business profits tax revenues be deposited in special account in the highway fund. Inexpedient to Legislate.

The Committee felt that this bill (1) attempted to use general funds where highway funds should be properly used, (2) inappropriately restricted Business Profits Taxes to that contribution from each impacted area (county), (3) failed to adequately identify what constitutes an impacted area. Vote 15-0. Rep. Robert C. Hayes for Ways and Means.

HB 489-FN, relative to the business profits tax. Refer for Interim Study.

The Committee felt this bill had merit. However, it was received late, and the Department of Revenue Administration was unable, on short notice, to provide information on the revenue impact of this change. Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

HB 510, modifying the reporting requirement for certain accounts of deceased persons. Ought to Pass with Amendment.

This bill, as amended, modifies the requirements of the form that an executor of an estate must file with the Department of Revenue Administration listing joint property held by the decedent, in cases where the surviving joint tenants or transferees are members of the decedent's family and are thus exempt from the legacies and successions tax. Vote 16-0. Rep. Paul G. Blacketer for Ways and Means.

Amendment

Amend RSA 86:22, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. A report pursuant to paragraph I of this section need describe only the situs and previous title reference of real property and need not state the nature or amount of personal property in the case of any transfers of real or personal property or joint tenancies in which all transferees or surviving joint tenants stand in the relation of husband, wife, lineal ascendant, lineal descendant, or adopted child to the deceased transferor or joint tenant.

HB 555, allowing salaries for state liquor store employees to be based upon store profitability. Refer for Interim Study.

This legislation is one of the recommendations of the Touche, Ross & Co. report on the State Liquor Commission. It is the belief of the Committee that, while such a proposal may be controversial, it does merit further study. Time is needed to explore what an employee bonus plan would look like and what its full implications would be. Vote 15-4. Rep. Thomas B. Connolly for Ways and Means.

HB 680-FN, relative to returnable containers. Inexpedient to Legislate.

The Committee felt that this bill takes care of only a very small portion of the litter problem. It also appears that there will be a burden on the consumer because of extra cost of product. Vote 16-0. Rep. Roland A. Sallada for Ways and Means.

HB 753-FN, to provide a loss carryover under the business profits tax. Refer for Interim Study.

This bill provides a loss carryover under the Business Profits Tax. It was received very late in Committee. The

Subcommittee would have only one meeting. Since this bill could result in a substantial loss of revenue, the Committee felt that further study was mandatory. Vote 16-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 794-FN, relative to legacy and succession tax. Refer for Interim Study. The Committee is of the opinion that this bill merits in-depth study and possible revision. Vote 17-0. Rep. Paul G. Blacketer for Ways and Means.

HBI 2014, relating to consideration of broadening the base of the New Hampshire business profits tax. Ought to Pass.

This Bill of Intent authorizes the consideration of methods to broaden the base of the Business Profits Tax, our largest revenue provider. Vote 18-0. Rep. Frederick T. Ahrens for Ways and Means.

COMMITTEE REPORTS (Regular Calendar)

HB 197-FN, establishing a teacher mentor and grant pilot program and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

The Committee recognized the amount of work which this bill represents but inasmuch as it was not a top priority of the Education Committee, it felt that the \$330,000 could be better spent elsewhere. Vote 14-5. Rep. Andrea A. Scranton for Appropriations.

Rep. Taffe moved that the words, Refer for Interim Study, be substituted for the report of the committee, Recommended but to be Laid on the Table because not Funded, and spoke to her motion.

Rep. Scranton spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 355, to acquire abandoned railroad lines and making an appropriation therefor. Ought to Pass.

This bill allows the state foresight to purchase abandoned rail lines as they become available. If we're not ready, we might lose them forever. Vote 9-8. Rep. Lee Anne Steiner for Appropriations.

Ordered to third reading.

HB 441-FN, relative to simulcast racing. Ought to Pass with Amendment.

This bill was amended to provide the opportunity for the tracks to use simulcasting at their live races only. The televised races will be from out of state. The bill is slated to be sunsetted in July, 1987 and this will give everyone a chance to propose legislation at that time based on the experiences of the next two years. Vote 11-4. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Wagering on Simulcast Races. Amend the introductory paragraph of RSA 284:22 as inserted by 1957, 122:1 as amended by striking out said paragraph and inserting in place thereof the following:

During the calendar years of 1941 - 1991, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere, except as provided in this paragraph. Pari-mutuel pools may also be sold by licensees on races held at other appropriately licensed racetracks outside the state of New Hampshire, if such sales are within the enclosure of a race track which holds a license for the current year to conduct racing within this state, and if wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's track simultaneously with the conduct of each such race at its point of origin. Racing officials, as defined in rules adopted by the commission; any employee or owner of the entity supplying the track's totalizers; and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races exhibited at the licensee's track. The restrictions of RSA 284:17-c shall not apply to pari-mutuel wagering on races which are simulcast by television or other means of electronic reproduction under this section. A licensee may simulcast different types of races than those which are actually conducted live at the licensee's track, provided that the licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast. A licensee may simulcast races only on days on which live racing is conducted at the licensee's race track. RSA 284:23 shall apply according to the type of race on which the wagers are made, whether live or simulcast. The provision for purses made in paragraph I of this section shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating such simulcast races or to the horsemen's group of such association.

6 Cross Reference. Amend RSA 284:22, I (supp) as amended by striking out in line 7 the words "Notwithstanding any other provision of law," and inserting in place thereof the following (Except as provided in the introductory paragraph of this section) so that said paragraph as amended shall read as follows:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be

uniform throughout the state at the rate of 18 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 25 percent of each dollar wagered in such pools. Except as provided in the introductory paragraph of this section, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 7-1/4 percent of each dollar wagered in all pari-mutuel pools, said purse to be paid out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee in addition to the commission above provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23.

7 Delete Cross Reference. Amend RSA 284:17-c (supp) as inserted by 1981, 570:3 as amended by striking out said section and inserting in place thereof the following:

284:17-c Restriction on Gambling. Notwithstanding any other provision of law, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the sweepstakes commission.

8 Delete References to Wagering on Simulcast Races. Amend the introductory paragraph of RSA 284:22 (supp) as inserted by 1957, 122:1 as amended by striking out said paragraph and inserting in place thereof the following:

During the calendar years of 1941 - 1991, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere.

9 Delete Cross Reference. Amend RSA 284:22, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

I. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 18 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 25 percent of each dollar wagered in such pools. Notwithstanding any other provision of law, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 7-1/4 percent of each dollar wagered in all pari-mutuel pools, said purse to be paid out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as

"breakage", shall be retained by the licensee in addition to the commission above provided, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23.

10 Repeal. RSA 284:6-a, III, relative to the powers of the commission under the United States Interstate Horseracing Act, is hereby repealed.

11 Effective Date.

I. Sections 7, 8, 9, and 10 of this act shall take effect July 1, 1987.

II. The remainder of this act shall take effect upon its passage.

Rep. Nancy Ford moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion, and yielded to questions.

Reps. Thompson and Kelley spoke against the motion.

Reps. Rounds and Michael King spoke against the motion and yielded to questions.

Reps. Russell Chase and Keans spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 102 NAYS 249

YEAS 102

BELKNAP: Bolduc, Richard Campbell, Dexter, Golden, Malcolm Harrington, Matthew Locke and Zeckhausen.

CARROLL: Russell Chase and Olimpio.

CHESHIRE: Elmer Johnson, Kohl, Perry and Young.

COOS: Lamontagne and Ottolini.

GRAFTON: Arnesen, Bennett, Blair, Copenhaver, Easton, Hutchings, Stewart, Howard Townsend and Ward.

HILLSBOROUGH: August, Bernier, Carragher, Chagnon, Charron, Chretien, Cote, Cox, Ducharme, Nancy Ford, Marian Harrington, Hendrick, Holden, Hyman, McCue, McGlynn, Messier, Elizabeth Moore, Norman Packard, Pariseau, Parmenter, Perham, Pressly, Frances Riley, B. P. Smith, Vanderlosk, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, James Chandler, Daniell, C. William Johnson, Pannell, Rehlander, Walter Robinson and Shepard.

ROCKINGHAM: Blanchard, Conroy, Ellyson, Harry Flanders, Thomas Gage, Elizabeth Greene, Hoar, Longworth, Lovejoy, Malcolm, Popov, Raynowska, Sanderson, Schmidtchen, Sherburne, Skinner, Vaughn, Walker, Warburton and Woodward.

STRAFFORD: Berkey, Bryant, Dingle, Patricia Foss, Frechette, Hussey, Keans, Lussier, O'Brien, Parks, Pelley, Francis Robinson and Ralph Torr.

SULLIVAN: Domini, McKee, Mehegan and Spaulding.

NAYS 249

BELKNAP: Birch, Brough, Hawkins, Holbrook, Pearson, Randall and James J. White.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, McIntire, Powers, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan and Thompson.

COOS: Bideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Theriault and York.

GRAFTON: Bean, Chambers, Christy, Crory, Densmore, Driscoll, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Taffe, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Barry, Beaupre, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Champagne, Clancy, Cronin, William Dion, Donovan, Duperron, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Fried, Gagnon, Scott Green, Grip, Healy, Herod, Hogan, Humphrey, Chris Jacobson, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Paquette, Paradis, Pellow, Reardon, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Varkas, Wagner, Harold Watson, Frank Whittemore, Winn and Lucille Wood.

MERRIMACK: Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Connolly, Fraser, Gilbreth, George Gordon, Gross, Hayes, Mary Holmes, Alf Jacobson, Jelley, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pantzer, Phelps, Linwood Rogers, Savaria, Gerald R. Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Clay, Connors, Day, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Coss, Courdeau, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Palumbo, Pantelakos, Quimby, Norman Rogers, Romoli, Rosencrantz, Schwane, Seward, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian and Welch.

STRAFFORD: Bates, Bernard, Burton, Callahan, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn,

Frew, Laurion, Bruce Packard, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Ingram, Paul Johnson, Lindblade, Normandin, Rodeschin, Schotanus and Sara Townsend, and the motion lost.

Rep. Ralph Torr notified the Clerk that he inadvertently voted yea and meant to vote nay.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 455-FN, establishing a task force to develop a teacher evaluation model and training component and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt this was not a priority item. Vote 11-7. Rep. Andrea A. Scranton for Appropriations.

Resolution adopted.

HB 462-FN, relative to transferring liquor investigators from group I to group II in the New Hampshire retirement system, and group II member and employer contributions relative to FICA payments. Inexpedient to Legislate.

The Appropriations Committee was not convinced that the nature of the liquor inspectors' jobs had changed significantly enough to justify a switch to group II retirement. Present members in the Group II retirement system hold positions that require physical fitness, agility and quickness, plus the strength to aid victims or restrain prisoners. The job description for liquor inspectors does not necessarily require the physical stamina associated with other group II members. There tends to be confusion over hazardous duty and justifiable mandatory retirement after 20 years service.

Allowing new personnel into the Group II retirement system automatically increases the state's contribution to the retirement fund and consequently convincing evidence should be apparent before this move is recommended. Vote 16-4. Rep. Margaret A. Ramsay for Appropriations.

Rep. Wayne King moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Ward, Franklin Torr and Howard Townsend spoke against the motion.

Reps. Hutchings, Powers, Scamman and Patti Blanchette spoke in favor of the motion and yielded to questions.

Rep. Ramsay spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

Rep. Hayes abstained from voting under Rule 16.

87 members having voted in the affirmative and 260 in the negative, the motion lost.

Resolution adopted.

HB 629-FN, to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county convention.

Inexpedient to Legislate.

The majority of the Committee feels county correctional officers are properly covered in group I. The adoption of this measure would have been optional subject to county convention approval, but it was felt the cost would be high. Vote 15-7. Rep. Franklin Torr for Appropriations.

Rep. Dupont moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Franklin Torr spoke in favor of the motion.

On a voice vote the Speaker was in doubt and requested a division.

154 members having voted in the affirmative and 179 in the negative, the motion lost.

Resolution adopted.

HB 660-FN, relative to benefits for part-time state employees. Inexpedient to Legislate.

Part-time employment is a legitimate method of covering the requirements of intensive build up of work for short periods and for limited and specialized demands. To accept the expenses and benefits of proportional employment is destructive of the potential savings. People taking these positions are informed and accept the conditions at the time of employment. Vote 12-6. Rep. Margaret A. Ramsay for Appropriations.

Resolution adopted.

HB 417-FN, increasing the tax on gross receipts from boxing bouts. Inexpedient to Legislate.

This legislation would not raise any money for the state of New Hampshire as the amount raised in 1983-84 did not exceed \$500. Vote 12-6. Rep. Roland A. Sallada for Ways and Means.

Resolution adopted.

HB 747, relative to litter control and recycling. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: It is the opinion of the majority of the Committee that HB 747 best addresses the entire litter program. This bill provides funding for New Hampshire the Beautiful, Inc. to continue their comprehensive program of increased public awareness, litter pick-up, and the encouragement of recycling in local communities. The program has had an outstanding track

record thus far and has encouraged a good deal of volunteer and student participation. This bill will cost the consumer much less than a returnable container bill. When enacted, HB 747 puts litter in its place, not back in the grocery store. Vote 9-7. Rep. Roland A. Sallada for the Majority of Ways and Means.

MINORITY: At a time of government reorganization we should not be establishing another quasi-governmental agency to do the work which three state agencies are now authorized to do. The Highway Department has a mandate to pick up litter, with funding from the beer tax; the Division of Waste Management is charged with resource recovery and recycling, and the Education Department could provide leadership in Environmental Education. The bill does not address the problem of landfills. (Reps. Barbara Zeckhausen, Marian R. Harrington, Paul G. Blacketor, Henry F. Whitcomb for the Minority of Ways and Means.)

Rep. Zeckhausen moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Harold Burns, Sallada, Rodeschin, Ahrens and Tamposi spoke against the motion.

Rep. Scamman spoke in favor of the motion and yielded to questions.

Reps. Marian Harrington, Saunders, Bruce Packard, Blacketor and Patti Blanchette spoke in favor of the motion.

Rep. Connolly spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Hayes abstained from voting under Rule 16.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 222 NAYS 130

YEAS 222

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Matthew Locke and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Hounsell, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketor, Burley, Delano, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Ramsay, Ridge, William Riley, Russell, Secord, William Sullivan and Thompson.

COOS: Brideau, Chappell, Chardon, Frederic Foss, Marsh and Mayhew.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, McAvoy, Stewart, Taffe, Howard Townsend, Ward and Whitcomb.

HILLSBOROUGH: August, Barry, Bernier, Boisvert, Lionel Boucher, Bourque, Boutwell, Bridgewater, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Dupont, Duprey, Joseph Eaton, Nancy Ford, Gagnon, Marian Harrington, Hendrick, Herod, Hogan, Hyman, Jasper, George Jones, Michael Jones, Lown, Lozeau, McCue, McGlynn, Messier, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Norman Packard, Pariseau, Parmenter, Perham, Pressly, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Van Loan, Vanderloek, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Worthen and Zis.

MERRIMACK: Anderson, Bardsley, Cailler, James Chandler, Daniell, Gilbreth, George Gordon, Gross, Hager, Jelley, Kidder, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Walter Robinson, Savaria, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, Marilyn Campbell, Lawrence Chase, Clay, Connors, Conroy, Ellyson, Bert Ford, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, Krasker, Longworth, Magoon, Malcolm, McCain, Benjamin Moore, Nagel, Newman, Palumbo, Pantelakos, Popov, Quimby, Raynowska, Rosencrantz, Sanderson, Scamman, Schwaner, Seward, Sherburne, Skinner, Sloan, Splaine, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Bernard, Bryant, Burton, Callahan, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Keans, Lussier, O'Brien, Bruce Packard, Parks, Henry Sullivan, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Ingram, Paul Johnson, Mehegan and Sara Townsend.

NAYS 130

BELKNAP: Holbrook, Pearson, Randall and James J. White.

CARROLL: Ashnault, Gene Chandler, Dickinson and Powers.

CHESHIRE: Crane, Daniel Eaton, Kohl, Parker, Perry, Schwartz, Scranton and Young.

COOS: Brungot, Harold Burns, Coulombe, Guay, Horton, Lamontagne, Ottolini, Theriault and York.

GRAFTON: Bean, Christy, LaMott, Rounds, Scanlan, Wadsworth and Walter.

HILLSBOROUGH: Ahrens, Arnold, Beaupre, Robert Blanchette, Bourdon, Burkush, John Burns, Cronin, William Dion, Donovan, Ducharme, Duperron, Durant, Clyde Eaton, Fields, Fried, Scott Green, Grip, Healy, Holden, Humphrey, Chris Jacobson, Keefe, Kelley, Knight, Levesque, Martin, Howard

Mason, Elizabeth Moore, Morrisette, Paquette, Paradis, Pellow, Sallada, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Harold Watson, M. Arnold Wight and Lucille Wood.

MERRIMACK: Barberia, Bibbo, Laurent Boucher, Bowes, Cate, Connolly, Fraser, Mary Holmes, C. William Johnson, Arthur Locke, Rehlander, Roberts, Linwood Rogers, Shepard, Gerald R. Smith and Stio.

ROCKINGHAM: William Boucher, Burdick, Day, Emanuelson, Flanagan, Harry Flanders, Beverly Gage, Gourdeau, George Katsakiores, Phyllis Katsakiores, Roger King, Lovejoy, Mace, Robert Mason, McKinney, Norman Rogers, Romoli, Schmidtchen, Sochalski, Stachowske and Titone.

STRAFFORD: Bates, Berkey, Chamberlin, Laurion, Pelley, Francis Robinson, Spear, Swope and Whiting.

SULLIVAN: Call, D'Amante, Disnard, Domini, Lindblade, McKee, Normandin, Rodeschin, Schotanus and Spaulding, and the motion was adopted.

Resolution adopted.

HB 433-FN, establishing an academy of science, arts and technological innovation. Inexpedient to Legislate.

This bill would establish a completely new program and concept. With so many current programs in need of state funds, the Committee felt it would not justify the cost of this at this time. Vote 17-2. Rep. Andrea A. Scranton for Appropriations.

Rep. M. Arnold Wight moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Scranton spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 438-FN, relative to Route 16 from the town of Gorham to the town of Glen and making an appropriation therefor. Inexpedient to Legislate.

This situation will be handled by the Highway Department in their long range plans. Vote 18-1. Rep. John E. Burns for Appropriations.

Rep. LaMott moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Motion adopted.

Referred for Interim Study.

HB 459-FN, establishing a local water protection assistance program and making an appropriation therefor. Inexpedient to Legislate.

The procedures set forth in HB 429 should be well under way before legislation of this follow-up type will be needed to run the program in sequence. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

Rep. LaMott moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Woodward spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 488, authorizing construction of the proposed bridge over the Pemigewasset river in the city of Franklin, up to Route 127. Inexpedient to Legislate.

This bridge is currently involved in a federal court case and the Committee decided it should not be involved in judicial matters. Vote 17-0. Rep. Lee Anne Steiner for Appropriations.

Rep. Bibbo moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. LaMott spoke in favor of the motion. Motion adopted.

Referred for Interim Study.

HB 686-FN, relative to information required on birth, marriage and death certificates. Inexpedient to Legislate.

This bill attempts to rectify current inconsistencies in data reporting helpful for historical research. The Committee could not determine a clear idea of the fiscal impact on cities and towns and was concerned that the impact might be substantial. Vote 19-2. Rep. Edward D. Densmore for Appropriations.

Rep. Dickinson moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Densmore spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 189-FN, relative to the tax on the transfer of real property. Inexpedient to Legislate.

The Committee felt that this tax should be levied on both the buyer and seller equally, not assigned to one or the other. Vote 17-0. Rep. Roland A. Sallada for Ways and Means.

Reps. Rounds and Chambers moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Rounds spoke to the motion.

Rep. Kidder spoke in favor of the motion and yielded to questions.

Reps. Chambers, Matson and Sallada spoke in favor of the motion.

Motion adopted.

Reps. Rounds and Chambers offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Continuing Rate of Transfer Tax. Amend RSA 78-B:1, I (supp) as inserted by 1967, 320:1 as amended by striking out said paragraph and inserting in place thereof the following:

1. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is \$.50 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$2,000 or less there shall be a minimum tax of \$20. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Ellyson notified the Clerk that he wished to be recorded against HB 189.

HB 214-FN, establishing a special fund in the highway fund for litter removal, funded by 1/15 of beer tax revenues; reimbursing the highway fund for 1985 litter removal costs and making an appropriation therefor; and transferring excess litter removal funds to the statewide lilac account. Inexpedient to Legislate.

The Committee felt that the essential elements of this bill have been included in the amendment to HB 747, and accordingly this bill should be deemed Inexpedient to Legislate. Vote 16-0. Rep. Robert C. Hayes for Ways and Means.

Resolution adopted.

HB 289-FN, imposing a 3 percent tax on the gross business profits of business organizations operating in New Hampshire for the purpose of reducing real property taxes. Ought to Pass with Amendment.

This bill, as amended, covers a small increase in the basic Business Profits Tax to 8.1%. In the event additional revenues are required this rate can be amended. Vote 17-0. Rep. Frederick G. Ahrens for Ways and Means.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the rate of the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rate Increased. Amend RSA 77-A:2 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 8.1 percent upon the

taxable business profits of every business organization.

2 Effective Date. This act shall take effect July 1, 1985.

Reps. Rounds and Chambers spoke against the amendment.

Amendment lost.

Reps. Rounds and Chambers offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the rate of the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rate Increased. Amend RSA 77-A:2 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 8.75 percent upon the taxable business profits of every business organization.

2 Effective Date. This act shall take effect July 1, 1985.

Rep. Rounds explained the amendment.

Reps. Chambers, Michael King and Kidder spoke in favor of the amendment.

Amendment adopted.

Rep. Ahrens offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the rate of the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rate Increased. Amend RSA 77-A:2 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 10 percent upon the taxable business profits of every business organization.

2 Contingency Provision. The provisions of this act shall only take effect if the state of New Hampshire adopts the generally accepted accounting practices method of accounting. If and when this method of accounting is adopted, the commissioner of administrative services shall certify the adoption to the secretary of state and the director of legislative

services, and this act shall take effect upon such certification.

3 Effective Date. This act shall apply to returns and taxes due on account of taxable periods ending after June 30, 1985.

The Clerk read the amendment.

Rep. Ahrens explained the amendment.

Reps. Kidder, Rounds, LaMott, Durant, Sallada and Sara Townsend spoke against the amendment.

Rep. Hayes spoke in favor of the amendment.

Reps. John Burns and Tamposi spoke to the amendment.

Rep. Michael King spoke against the amendment and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Nichols requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 12 NAYS 337

YEAS 12

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Easton, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahrens, Boisvert, Bourdon, Keefe and Sallada.

MERRIMACK: None.

ROCKINGHAM: Schmidtchen and Sherburne.

STRAFFORD: Swope.

SULLIVAN: Rodeschin.

NAYS 337

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Blacketer, Burley, Crane, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Kohl, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory,

Densmore, Driscoll, Hutchings, Michael King, Wayne, King, LaMott, McAvoy, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter and Ward.

Rep. Tamposi offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the rate of the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rate Increased. Amend RSA 77-A:2 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 8.75 percent upon the taxable business profits of every business organization.

2 Contingency Provision. The provisions of this act shall only take effect if the state of New Hampshire adopts the generally accepted accounting practices method of accounting. If and when this method of accounting is adopted, the commissioner of administrative services shall certify the adoption to the secretary of state and the director of legislative services, and this act shall take effect upon such certification.

3 Effective Date. This act shall apply to returns and taxes due on account of taxable periods ending after June 30, 1985.

The Clerk read the amendment.

Rep. Tamposi explained the amendment.

Reps. Chambers and Kidder spoke against the amendment.

Rep. Scamman spoke in favor of the amendment and yielded to questions.

Rep. LaMott spoke against the amendment and yielded to questions.

Rep. Blacketer spoke in favor of the amendment.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Tamposi requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 46 NAYS 302

YEAS 46

BELKNAP: Dexter and Malcolm Harrington.

CARROLL: Saunders.

CHESHIRE: Blacketer, Frink, Grodin, Thompson and Young.

COOS: Brungot and Guay.

GRAFTON: Easton.

HILLSBOROUGH: Arnold, August, Barry, Beaupre, Bernier, Robert Blanchette, Lionel Boucher, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Ducharme, Duperron, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Norman Packard, Paquette, Paradis, Pariseau, Parmenter, Fellow, Perham, Pressly, Raiche, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosh, Varkas, Wagner, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Connolly, Daniell, Fraser, Gilbreth, George Gordon, Gross, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Roberts, Linwood Rogers, Savaria, Shepard, Gerald Smith, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Mace, Magoon, Malcolm, McCain, McKinney, Benjamin Moore, Nagel, Newman, Palumbo, Pantelakos, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schwaner, Seward, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Keans, Laurion, Lussier, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Ann Torr, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

HILLSBOROUGH: Ahrens, Arnold, Boisvert, John Burns, Leslie Burns, Cox, Dupont, Duprey, Durant, Grip, Hogan, Lozeau, Nute, Paradis, Perham, Philip Rodgers, Sallada, Sylvia, Tamposi, Harold Watson, Emma Wheeler and Frank Whittemore.

MERRIMACK: Connolly, Gilbreth, Hayes, Arthur Locke, Savaria and Stio.

ROCKINGHAM: Roger King, Malcolm, Scamman and Sherburne.

STRAFFORD: Donnelly and Ralph Torr.

SULLIVAN: Rodeschin.

NAYS 302

BELKNAP: Birch, Bolduc, Brough, Richard Campbell, Golden, Hawkins, Holbrook, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Burley, Crane, Delano, Daniel Eaton, Irvin Gordon, Elmer Johnson, Kohl, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Hutchings, Michael King, Wayne King, LaMott, McAvoey, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: August, Barry, Beaupre, Bernier, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cronin, William Dion, Donovan, Ducharme, Duperron, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Michael Jones, Keefe, Kelley, Knight, Levesque, Lown, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Norman Packard, Paquette, Pariseau, Parmenter, Pellow, Pressly, Raiche, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Kenneth Wheeler, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Daniell, Fraser, George Gordon, Gross, Hager, Mary Holmes, Jelley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pannell, Pantzer, Phelps, Rehlander, Roberts, Linwood Rogers, Shepard, Gerald R. Smith, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Bert Ford,

Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Mace, Magoon, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newman, Palumbo, Pantelakos, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schmidtchen, Schwaner, Seward, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Keans, Laurion, Lussier, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus, Spaulding and Sara Townsend, and the amendment lost.

Question now being on the Committee report as amended.

Ordered to third reading.

HB 619-FN, relative to the penalty for underpayment of estimated taxes. Ought to Pass with Amendment.

This bill takes care of the sponsor's intent and takes care of housekeeping as requested by the Department of Revenue Administration. Vote 16-0. Rep. Roland A. Sallada for Ways and Means.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

1 Statement of Purpose. Recognizing that the business profits tax is structured to tax the net taxable income of business organizations at the entity level, the statutory language of the business profits tax should therefore clearly indicate that the federal method of taxing certain income to the true owners rather than at the entity level is not incorporated into the business profits tax. Recognizing further that since estimated tax payments are now required on most taxes administered by the department of revenue administration, it is also appropriate to modify the general penalty provision for underpayment of estimated taxes administered by the department of revenue administration to reflect the broadened requirement for the payment of estimated taxes.

2 Change in Penalty for Underpayment of Estimated Tax. Amend RSA 71-A:37 (supp) as inserted by 1975, 439:3 as amended by

striking out said section and inserting in place thereof the following:

71-A:37 Penalty for Underpayment of Estimated Tax.

I. Except as provided in paragraphs IV and VI, in the case of any underpayment of estimated tax by a taxpayer, there shall be added to the tax for the taxable year an amount determined at the rate of 1-1/4 percent per month on the amount of the underpayment for the period of the underpayment.

II. For the purposes of paragraph I, the amount of the underpayment shall be the excess of:

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 90 percent of the tax shown on the return for the taxable year or, if no return was filed, 90 percent of the tax for such year; over

(b) The amount, if any, of the installment paid on or before the last date prescribed for payment.

III. The period of the underpayment shall run from the date the installment was required to be paid under RSA 77-A:7, I; 77:18, III; 82:20, III; 83-C:4; or 84:16-f, II to whichever of the following dates is the earlier:

(a) The due date of the return required by RSA 77-A:6, I; 77:18, I; 82:20, I; 83-C:3; or 84:16-a through 16-d;

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subparagraph II(a).

IV. Notwithstanding the provisions of paragraphs I, II, and III, and subject to the special rule for large business organizations utilized for purposes of RSA 77-A and as further specified in paragraph V, the penalty with respect to any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser:

(a) The tax shown on the return of the taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months.

(b) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding taxable year.

(c)(1) An amount equal to 90 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(A) For the first 3 months of the taxable year in the case of the installment required to be paid in the fourth month;

(B) For the first 3 months or the for first 5 months of the taxable year in the case of the installment required to be paid in the sixth month;

(C) For the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the ninth month; and

(D) For the first 9 months or for the first 11 months of the taxable year in the case of the installment required to be paid in the twelve month of the taxable year.

(2) For the purposes of this paragraph, the taxable income shall be placed on an annualized basis by:

(A) Multiplying by 12 the taxable income referred to in subparagraph IV(c)(1); and

(B) Dividing the resulting amount by the number of months in the taxable year, whether 3, 5, 6, 8, 9, or 11, as the case may be, referred to in subparagraph IV(c)(1).

V. For purposes of RSA 77-A, large business organizations shall pay a minimum percentage of current year tax as follows:

(a) For taxable years beginning before 1984, in the case of a large business organization, the amount treated as the estimated tax for the taxable year under subparagraphs IV(a) and (b) shall in no event be less the 75 percent of:

(1) The tax shown on the return for the taxable year; or

(2) If no return was filed, the tax for such year.

(b) For taxable years beginning after 1983, in the case of a large business organization, subparagraphs IV(a) and (b) shall not apply.

(c) For the purposes of this paragraph, the term "large business organization" means any business organization defined in RSA 77-A:1, I if such business organization, or any predecessor business organization, had taxable income of \$1,000,000 or more for any taxable year during the testing period. For the purposes of this subparagraph, the term "testing" means the 3 taxable years immediately preceding the taxable year involved.

VI. Notwithstanding any other provisions of this section, if a taxpayer fails to pay taxes when they are due and is subsequently penalized under RSA 71-A:38 for his failure to pay, the failure to pay shall not be considered an underpayment of estimated tax, and no penalty shall be imposed upon the taxpayer under this section.

3 Excluding Penalty for Underpayment of Estimated Tax. Amend the introductory paragraph of RSA 71-A:38 (supp) as inserted by 1975, 439:3 by striking out said paragraph and inserting in place thereof the following:

In addition to amounts due under RSA 71-A:36, penalties shall be imposed for failure to pay taxes when, and as due, as follows:

4 Change in Interest Rate During Period of Extension. Amend RSA 77:18-b (supp) as inserted by 1981, 314:7 by striking out in line 6 the number "1.5" and inserting in place thereof the following (1-1/4) so that said section as amended shall read as follows:

77:18-b Extension of Time for Returns. For good cause, the commissioner may extend the time within which a taxpayer is required to file a return. If such return is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter. However, the taxpayer shall be liable for interest at the rate of 1-1/4 percent per month on payments not made when they otherwise would be due had the extension not been granted.

5 Change in Interest and Dividends Tax. Amend RSA 77 by inserting after section 21 the following new section:

77:21-a Interest. Any taxpayer who fails to make payment when due shall be subject to interest computed at the rate of 1-1/4 percent per month from the date the taxes are due to the date payment is actually made; provided, however, that when an extension of time to file is granted under RSA 77:18-b and payment has not been made within the extended period, the date such taxes are due shall be the original date for payment provided in RSA 77:18 for purposes of calculating interest, late payment charges, and late filing fees.

6 Change in Definition of Business Organization. Amend RSA 77-A:1, I (supp) as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. "Business organizations" means any enterprise, whether corporation, partnership, proprietorship, association, business trust, real estate trust or other form of organization, organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code (1954) as amended. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. The use of consolidated returns as defined in the United States Internal Revenue Code (1954) as amended is not permitted. A partnership, estate, trust, "S" corporation, real estate investment trust, regulated investment company, or any other such entity whose net income is reportable by the true owners either directly or indirectly shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

7 Change in Definition of Gross Business Profits. Amend RSA 77-A:1, III(e) (supp) as inserted by 1970, 5:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(e) In the case of a trust, estate, or any other business organization engaging in business activity, the amount of net profit from such business activity and the net amount of any gains from the sale of assets held for use in business activity.

8 Change in Definition of Taxable Business Profits. Amend RSA 77-A:1, IV (supp) as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. "Taxable business profits" means gross business profits adjusted by the additions and deductions provided in RSA 77-A:4 and then adjusted by the method of apportionment provided in RSA 77-A:3.

9 Business Asset Defined. Amend RSA 77-A:1 by inserting after paragraph X the following new paragraph:

XI. "Business asset" means any tangible or intangible property, whether real or personal, previously used, currently used, or available for use in any business activity.

10 Change in Additions and Deductions. Amend RSA 77-A:4, IV (supp) as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. In the case of a corporation which is the parent of an affiliated group pursuant to the provisions of chapter 6 of the United States Internal Revenue Code (1954) as amended, a deduction of such amounts of gross business profits as are derived from dividends paid to the parent by a subsidiary or subsidiaries whose gross business profits have already been subject to taxation under this chapter. This deduction shall be limited by multiplying the applicable apportionment percentage of the dividend payor as determined by RSA 77-A:3 by the dividend paid from each dividend paying affiliate which derives gross business profits from business activity both within and without this state. The purpose of this deduction is to prevent double taxation on the identical gross business profits of a controlled corporation or group of corporations and its parents.

11 Effective Date. This act shall take effect upon its passage and shall apply to returns and taxes due on account of taxable periods ending after June 30, 1985.

Amendment adopted.

Rep. Marian Harrington offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

1 Statement of Purpose. Recognizing that the business profits tax is structured to tax the net taxable income of business

organizations at the entity level, the statutory language of the business profits tax should therefore clearly indicate that the federal method of taxing certain income to the true owners rather than at the entity level is not incorporated into the business profits tax. Recognizing further that since estimated tax payments are now required on most taxes administered by the department of revenue administration, it is also appropriate to modify the general penalty provision for underpayment of estimated taxes administered by the department of revenue administration to reflect the broadened requirement for the payment of estimated taxes.

2 Change in Penalty for Underpayment of Estimated Tax. Amend RSA 71-A:37 (supp) as inserted by 1975, 439:3 as amended by striking out said section and inserting in place thereof the following:

71-A:37 Penalty for Underpayment of Estimated Tax.

I. Except as provided in paragraphs IV and VI, in the case of any underpayment of estimated tax by a taxpayer, there shall be added to the tax for the taxable year an amount determined at the rate of 1-1/4 percent per month on the amount of the underpayment for the period of the underpayment.

II. For the purposes of paragraph I, the amount of the underpayment shall be the excess of:

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 90 percent of the tax shown on the return for the taxable year or, if no return was filed, 90 percent of the tax for such year; over

(b) The amount, if any, of the installment paid on or before the last date prescribed for payment.

III. The period of the underpayment shall run from the date the installment was required to be paid under RSA 77-A:7, I; 77:18, III; 82:20, III; 83-C:4; or 84:16-f, II to whichever of the following dates is the earlier:

(a) The due date of the return required by RSA 77-A:6, I; 77:18, I; 82:20, I; 83-C:3; or 84:16-a through 16-d;

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subparagraph II(a).

IV. Notwithstanding the provisions of paragraphs I, II, and III, and subject to the special rule for large business organizations utilized for purposes of RSA 77-A and as further specified in paragraph V, the penalty with respect to any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser:

(a) The tax shown on the return of the taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months.

(b) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding taxable year.

(c)(1) An amount equal to 90 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(A) For the first 3 months of the taxable year in the case of the installment required to be paid in the fourth month;

(B) For the first 3 months or the for first 5 months of the taxable year in the case of the installment required to be paid in the sixth month;

(C) For the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the ninth month; and

(D) For the first 9 months or for the first 11 months of the taxable year in the case of the installment required to be paid in the twelve month of the taxable year.

(2) For the purposes of this paragraph, the taxable income shall be placed on an annualized basis by:

(A) Multiplying by 12 the taxable income referred to in subparagraph IV(c)(1); and

(B) Dividing the resulting amount by the number of months in the taxable year, whether 3, 5, 6, 8, 9, or 11, as the case may be, referred to in subparagraph IV(c)(1).

V. For purposes of RSA 77-A, large business organizations shall pay a minimum percentage of current year tax as follows:

(a) For taxable years beginning before 1984, in the case of a large business organization, the amount treated as the estimated tax for the taxable year under subparagraphs IV(a) and (b) shall in no event be less the 75 percent of:

(1) The tax shown on the return for the taxable year; or

(2) If no return was filed, the tax for such year.

(b) For taxable years beginning after 1983, in the case of a large business organization, subparagraphs IV(a) and (b) shall not apply.

(c) For the purposes of this paragraph, the term "large business organization" means any business organization defined in RSA 77-A:1, I if such business organization, or any predecessor business organization, had taxable income of \$1,000,000 or more for any taxable year during the testing period. For the purposes of this subparagraph, the term "testing" means the 3 taxable years immediately preceding the taxable year involved.

VI. Notwithstanding any other provisions of this section, if a taxpayer fails to pay taxes when they are due and is subsequently penalized under RSA 71-A:38 for his failure to pay, the failure to pay shall not be considered an underpayment of estimated tax, and no penalty shall be imposed upon the taxpayer under this section.

3 Excluding Penalty for Underpayment of Estimated Tax. Amend the introductory paragraph of RSA 71-A:38 (supp) as inserted by 1975, 439:3 by striking out said paragraph and inserting in place thereof the following:

In addition to amounts due under RSA 71-A:36, penalties shall be imposed for failure to pay taxes when, and as due, as follows:

4 Change in Interest Rate During Period of Extension. Amend RSA 77:18-b (supp) as inserted by 1981, 314:7 by striking out in line 6 the number "1.5" and inserting in place thereof the following (1-1/4) so that said section as amended shall read as follows:

77:18-b Extension of Time for Returns. For good cause, the commissioner may extend the time within which a taxpayer is required to file a return. If such return is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter. However, the taxpayer shall be liable for interest at the rate of 1-1/4 percent per month on payments not made when they otherwise would be due had the extension not been granted.

5 Change in Interest and Dividends Tax. Amend RSA 77 by inserting after section 21 the following new section:

77:21-a Interest. Any taxpayer who fails to make payment when due shall be subject to interest computed at the rate of 1-1/4 percent per month from the date the taxes are due to the date payment is actually made; provided, however, that when an extension of time to file is granted under RSA 77:18-b and payment has not been made within the extended period, the date such taxes are due shall be the original date for payment provided in RSA 77:18 for purposes of calculating interest, late payment charges, and late filing fees.

6 Change in Definition of Business Organization. Amend RSA 77-A:1, I (supp) as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. "Business organizations means any enterprise, whether corporation, partnership, proprietorship, association, business trust, real estate trust or other form of organization, organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code (1954) as amended. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. The use of consolidated returns as defined in the United States

Internal Revenue Code (1954) as amended is not permitted. A partnership, estate, trust, "S" corporation, real estate investment trust, regulated investment company, or any other such entity whose net income is reportable by the true owners either directly or indirectly shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

7 Change in Definition of Gross Business Profits. Amend RSA 77-A:1, III(e) (supp) as inserted by 1970, 5:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(e) In the case of a trust, estate, or any other business organization engaging in business activity, the amount of net profit from such business activity and the net amount of any gains from the sale of assets held for use in business activity.

8 Change in Definition of Taxable Business Profits. Amend RSA 77-A:1, IV (supp) as inserted by 1970, 5:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. "Taxable business profits" means gross business profits adjusted by the additions and deductions provided in RSA 77-A:4 and then adjusted by the method of apportionment provided in RSA 77-A:3.

9 Business Asset Defined. Amend RSA 77-A:1 by inserting after paragraph X the following new paragraph:

XI. "Business asset" means any tangible or intangible property, whether real or personal, previously used, currently used, or available for use in any business activity.

10 Effective Date. This act shall take effect upon its passage and shall apply to returns and taxes due on account of taxable periods ending after June 30, 1985.

Rep. Marian Harrington explained the amendment.

Reps. Hayes, Rounds and Krasker spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Tucker, for the entire House of Representatives, offered the following:

HOUSE RESOLUTION NO. 32

memorializing former Representative Elwin Allen Parker of Warner.

WHEREAS, we have learned with sorrow of the death of former Representative Elwin Allen Parker, affectionately known to all as Ace Parker, and

WHEREAS, Ace Parker was elected to the New Hampshire House of Representatives for the 1981-82 Session and served as a member of the Standing Committee for Executive Departments and Administration, and

WHEREAS, Ace Parker served his community and state in various capacities including as Chairman of the Warner Planning Board; as Executive Director of the New Hampshire Republic State Committee; and as Executive

Secretary of the New England Republican Council, and

WHEREAS, Ace Parker entered the United States Navy in 1935; graduated from the United States Naval Academy in 1941 after receiving a Presidential appointment; and retired from military service in 1965 as a full Captain after twenty-four years as a combat pilot, and

WHEREAS, Ace Parker was a survivor of the attack on Pearl Harbor and accumulated numerous military awards and ribbons including the Distinguished Flying Cross, now therefore be it

RESOLVED, by the House of Representatives in regular session convened, that Ace Parker's outstanding record of public and military service receive highest commendation and public recognition, and be it further

RESOLVED, that expressions of sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Tucker, for the entire House of Representatives, offered the following:

HOUSE RESOLUTION NO. 33

memorializing former Representative William W. Corey of Manchester.

WHEREAS, we have learned with sorrow of the death of former Representative William W. Corey, and

WHEREAS, William W. Corey, between 1955 and 1979, was elected to five terms in the New Hampshire House of Representatives, faithfully serving his constituents in the 27th District of Hillsborough County, and

WHEREAS, William W. Corey served devotedly on the Standing Committees for Education; Public Health; and State Institutions, earning the respect and admiration of his colleagues for his legislative wisdom and infectious sense of humor, and

WHEREAS, William W. Corey was a gifted and appreciated entertainer whose old-time vaudeville-style song and dance routines provided his fellow Representatives with many felicitous moments during lulls and during those times when sessions became long and arduous, and

WHEREAS, William W. Corey was a man of great vigor and civic-mindedness who gave freely of his time and energies to numerous organizations including the Manchester Association for Retarded Children, the Manchester Property Owners and Tenants Association, and the Knights of Columbus, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in regular session convened, that William W. Corey be publicly recognized and given highest commendation for his service and dedication to the State and its residents, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Tucker offered the following:

HOUSE RESOLUTION NO. 31

commemorating the Days of Remembrance of the Victims of the Holocaust April 14-21, 1985.

WHEREAS, forty years ago, six million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people perished as victims of Nazism, and

WHEREAS, the people of New Hampshire should always remember the atrocities committed by the Nazis so that such horrors may never be repeated, and

WHEREAS, the people of New Hampshire should continually rededicate themselves to the principle of equal justice for all people, and

WHEREAS, the people of New Hampshire should remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish, and

WHEREAS, April 18 has been designated pursuant to an Act of Congress and internationally as a Day of Remembrance of Victims of the Nazi Holocaust known as Yom Hashoah, and

WHEREAS, it is appropriate for the people of New Hampshire to join in the international commemoration, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that in memory of the victims of the Holocaust and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance and resistance, that the New Hampshire House of Representatives observe the week of April 14 through April 21, 1985 as the Days of Remembrance of the Victims of the Holocaust.

Unanimously adopted by a rising vote of silent prayer.

PERSONAL PRIVILEGE

Rep. Diamant addressed the House under personal privilege.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 23 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 114-FN, relative to sunset review of vocational rehabilitation education programs.

HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line.

HB 485-FN, relative to the number plate fund.

HB 498, relative to the dam maintenance fund and making an appropriation therefor.

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money.

SB 100, reinstating the charter of the Golden Rule Farm Homes Association.

SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears.

HB 189-FN, relative to the tax on the transfer of real property.

HB 289-FN, imposing a 3 percent tax on the gross business profits of business organizations operating in New Hampshire for the purpose of reducing real property taxes.

HB 302-FN, provisionally increasing the tobacco tax.

HB 510, modifying the reporting requirement for certain accounts of deceased persons.

HB 619-FN, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

HB 1 2014, relating to consideration of broadening the base of the New Hampshire business profits tax.

HB 355, to acquire abandoned railroad lines and making an appropriation therefor.

HB 441-FN, relative to simulcast racing.

HR 30, requesting an opinion of the justices concerning the constitutionality of HB 400.

HR 31, commemorating the Days of Remembrance of the Victims of the Holocaust April 14-21, 1985.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 5:41 p.m.

RECESS

Rep. Rounds moved that the House adjourn.

Adopted.

HOUSE JOURNAL 19

Tuesday, 23 Apr 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Donald F. Jennings.

O God of all people, everywhere, we pause to acknowledge You as the Source of all that is good and true throughout Creation. You have formed us in Your likeness; You have filled us with the breath of Your Spirit; You lead us onward; a pillar of cloud by day, and a pillar of fire by night.

Open our eyes to see Your presence in our midst. Enable us to be Your people at work in the service of others. Let Your will be accomplished on earth through us and the decisions we are called to make, that Your Glory will be revealed.

Blessing and honor, glory and power be unto You, O God. Amen.

Rep. Russell led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Grip, Pevear, Hussey, Appleby, Kohl, Frink and Clancy, the day, illness.

Reps. Thomas Gage, Butler, Musler, Mann, Flanagan, Duprey, Steiner, Lown, Prestipino, Lionel Boucher, Roger Easton, Lown, Crotty, Blais, Bernier, Frew, Titone, Tufts, Campbell and Laurion, the day, important business.

Rep. Bowler, the day, deaths in the family.

Rep. Meader, the day, illness in the family.

INTRODUCTION OF GUESTS

Former Reps. Iris Valley and Janet Torrey from Dover, guests of Reps. Ann Torr and William Boucher; Marna Cowan, student from Londonderry High School, guest of Rep. McKinney; Rick St. Hillaire, student from Concord High School, guest of Rep. Jelley; William Weaver, guest of Rep. Raiche; Sara Stonner and Coleen Dambach, 5th grade students from Bedford Memorial School, guests of Rep. Stonner; Ann and Christopher Harrington, guests of Rep. Marian Harrington; Phyllis Raynowska, Lida, Jessica and James Beaudoin, daughter and grandchildren of Rep. Raynowska; William and Francis Ruttler of Grantham, guests of Rep. Schotanus; Nancy, Erik, and Justin Chandler, wife and sons of Rep. Gene Chandler.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 163-FN, increasing the housing finance authority's bonding authority.

SB 211-FN, relative to the road toll statute.

SB 5-FN, relative to judicial retirement.

SB 4, relative to funding for the department of public works and highways federal aid construction program.

SB 201-FN, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 163, 211, 5, 4 and 201, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 163-FN, increasing the housing finance authority's bonding authority. (State Institutions and Housing)

SB 211-FN, relative to the road toll statute. (Transportation)

SB 5-FN, relative to judicial retirement. (Appropriations)

SB 4, relative to funding for the department of public works and highways federal aid construction program. (Public Works)

SB 201-FN, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge. (Public Works)

COMMUNICATION

Carl A. Peterson
House Clerk

This is to advise that at the special election held in Manchester Ward 12 on April 16th, the following person was elected as Representative:

Lafayette J. Bergeron, d, Manchester
(180 Boutwell St.) 03102

Sincerely,
William M. Gardner
Secretart if State

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 284 and HB 532 were removed at the request of Rep. James J. White.

HB 391 was removed at the request of Rep. LaMott.

HB 517 was removed at the request of Rep. Sytek.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

HB 4-FN, establishing a new formula for distributing foundation aid to school districts, and making an appropriation therefor, and continuing the rate of the real estate transfer tax. Ought to Pass with Amendment.

This bill passed the house decisively on a voice vote. It establishes a new formula for distributing foundation aid to school districts. Three sections of the bill are omitted by the amendment. Two sections dealt with the continuation of the real estate transfer tax and one section with the establishment of a specific appropriation. The tax issues should be addressed by the Ways and Means Committee, and the appropriation to fully fund this bill has been included in HB 400, the operating budget bill. The amendment further makes dates within the bill consistent and corrects the aid distribution problem in one school district. Vote 19-2. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the bill by striking out sections 8, 9 and 10 and inserting in place thereof the following:

8 Education Committee to Review Weights. The education committee of the house of representatives and the senate education committee are hereby directed to review jointly the weight factors established in RSA 198:27, IX inserted by this act to determine if they continue to reflect accurately the costs of educating the pupils to whom they are designated. The education committees shall study the weight factors every 2 years beginning on January 1, 1986. The education committees shall, if necessary, introduce legislation to adjust the weight factors.

9 Time of Computation for First Fiscal Year. Notwithstanding RSA 198:32, for the fiscal year ending June 30, 1986, the information on resident membership which the school districts are required to submit to the commissioner of education as directed in RSA 198:32 shall be submitted to the commissioner within 30 days after the effective date of this act. The department of education shall calculate and make available to the school districts the amount of foundation aid which each school district shall receive for the fiscal year ending June 30, 1986, within 90 days after the effective date of this act.

10 Adjustment of Aid.

I. For the fiscal year ending June 30, 1986, no school district shall receive less money in foundation aid under this act than that school district received from the total of sweepstakes funds, foundation aid, special education basic aid, and business profits tax funds applied to the local school district assessment by the department of revenue administration, in the fiscal year ending June 30, 1985.

II. Notwithstanding any other law to the contrary, the amount of foundation

aid to be paid to school districts which will receive less money in fiscal years 1987, 1988, and 1989 under RSA 198:29 than they received in fiscal year 1985 from sweepstakes funds, foundation aid funds, business profits tax funds applied to the local school district assessment by the department of revenue administration, and special education basic aid, combined, shall be reduced by the following amounts, provided that cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district:

(a) In 1987, 25 percent of the difference between the amount of foundation aid, sweepstakes funds, business profits tax funds applied to the local school district assessment by the department of revenue administration, and special education basic aid, combined, which the school district received in fiscal year 1985 and the amount the school district should receive in 1987 under the provisions of this subdivision;

(b) In 1988, 50 percent of the difference between the amount of foundation aid, sweepstakes funds, business profits tax funds applied to the local school district assessment by the department of revenue administration, and special education basic aid, combined, which the school district received in fiscal year 1985 and the amount the school district would receive in 1988 under the provisions of this subdivision;

(c) In 1989, 75 percent of the difference between the amount of foundation aid, sweepstakes funds, business profits tax funds applied to the local school district assessment by the department of revenue administration, and special education basic aid, combined, which the school district received in fiscal year 1985 and the amount the school district would receive in 1989 under the provisions of this subdivision.

III. In those cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located and which have, prior to 1985, maintained separate tax rates within the pre-existing districts, the foundation aid to which they are entitled under this act shall be allocated to the pre-existing districts in the same proportion as sweepstakes funds, foundation aid, special education basic aid, and business profits tax funds applied to the local school district assessment by the department of revenue administration, were distributed prior to the effective date of this act.

Amend the bill by striking out sections 11, 12, and 13 and renumbering sections 14, 15 and 16 to read as 11, 12, and 13, respectively.

HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor. Ought to Pass with Amendment.

Testimony indicated that funding for this bill could be reduced. The bill is

amended to provide \$16,000 in FY 86 for steno and equipment. The sum of \$14,500 is appropriated for FY 87. Vote 19-1. Rep. John J. Kane for Appropriations.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriation. There is hereby appropriated to the division of public health services the sum of \$16,000 for the fiscal year ending June 30, 1986, and the sum of \$14,500 for the fiscal year ending June 30, 1987, for the purposes of carrying out the provisions of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor. Ought to Pass with Amendment.

The Committee voted unanimously to fund the Connecticut Valley Resource Authority. It was felt that this authority would provide a widely supported mechanism to enhance and protect the recreational potential, tourist economy, agricultural and historical resources of the region. The amendment removes the money for the bonding for easement and developmental rights. Vote 18-0. Rep. Jeffrey Miller for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Sunset. There is hereby created a PAU for the Connecticut River Valley resource authority established by section one of this act which shall expire on the same date as the PAU for the division of parks and recreation, department of resources and economic development, is scheduled for expiration, unless renewed by the general court under RSA 17-G.

Amend the bill by striking out sections 5 and 6 and renumbering the original section 7 to read as 5.

HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor. Ought to Pass.

The Appropriations Committee felt that this was an important bill and voted overwhelmingly to support it. Vote 20-0. Rep. Margaret A. Ramsay for Appropriations.

HB 259-FN, providing an evaluation of state route 101A corridor in the Nashua region and making an appropriation therefor. Ought to Pass with Amendment.

This evaluation will focus upon the land use and traffic problems on state route 101A in Nashua including a consideration of alternative corridors and also input from the Regional Planning Commission is required. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Appropriation. The sum of \$100,000 is hereby appropriated to the department of public works and highways, for a comprehensive evaluation of the land use and traffic problems on state Route 101A between the F.E. Everett turnpike and the Route 101 interchange at the Milford bypass. The evaluation shall include input from the regional planning commission to consider a comprehensive improvement program for the highway including a consideration of alternative corridors. The connection of the new Route 101A bypass shall be coterminous with the northern connection of the circumferential highway around the city of Nashua. The department may accept any federal funds that may be available for this project, and this appropriation shall be reduced by the amount of any federal funds made available. The sum hereby appropriated shall be made from the highway fund.

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

This bill corrects an estimate that was too low in the 1983 legislation and allows the project to go forward. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor. Ought to Pass.

This allows needed expansion and renovation of the Employment Security's Administration Building with funds set aside by the Social Security Act for such purpose. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

HB 327, relative to the Laconia by-pass in the town of Gilford and the by-pass around the town of Conway and making an appropriation therefor. Ought to Pass with Amendment.

This bill would provide a ramp onto Route 11 from the Laconia by-pass which would alleviate traffic backups in the area and make for a smoother flow of traffic. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$400,000 is hereby appropriated to the department of public works and highways for the construction of a ramp to directly serve Route 11 easterly from the Laconia by-pass to the town of Gilford. The commissioner of the department of public works and highways is hereby directed to prioritize this project to begin construction within the biennium ending June 30, 1987. Of this appropriation, \$100,000 shall be a charge against the highway fund and \$300,000 shall be federal funds. This appropriation shall be in addition to any other appropriation for the department of public works and highways for the biennium and shall be non-lapsing.

2 Effective Date. This act shall take effect upon its passage.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike. Ought to Pass with Amendment.

The amendment allows the design and planning to include exit 1 and improvements to the Massachusetts border. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Authority Granted. Amend RSA 237:2, IV (supp) as inserted by 1983, 427:1 and 1983, 76:1 by striking out said paragraphs and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:

(a) The design and right of way acquisition for improvements to the central New Hampshire turnpike in Nashua between the Massachusetts line and exit 3 to include improvements to exit 1, a new interchange at exit 2 which connects to a new interchange at the Daniel Webster highway and provisions for additional lanes on the turnpike between the state line and exit 3.

(b) Construction of a new exit 7W in Nashua.

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps.

(d) Construction of the main line toll plaza in Bedford.

(e) Continue design and engineering of the modernization of the central turnpike.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 353, relative to the rehabilitation of certain rail lines and making an appropriation therefor. Ought to Pass with Amendment.

This bill makes it possible for operating rail lines to have rehabilitation funds and the state to have assurance that the money will be spent properly under supervision. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to rehabilitation of certain rail lines and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rehabilitation of Certain Branch Lines. The railroad division of the department of public works and highways is hereby authorized to rebuild, modernize and maintain the Portsmouth-Seabrook, Rollingsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord railroad branch lines. The general court recognizes that the continuation of these branch lines depends upon their rebuilding, modernization and maintenance.

2 Appropriation. There is hereby appropriated to the railroad division of the department of public works and highways for the purposes of section one of this act the sum of \$2,515,000 to be used for the purposes of rebuilding, modernization and maintenance of the Portsmouth-Seabrook, Rollingsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord branch lines. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,515,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds shall be made from the general funds of the state.

4 Separate Funds. The moneys appropriated by section 2 of this act and the moneys transferred by section 6 of this act shall be placed in separate non-lapsing accounts established as follows:

I. \$460,000 to be used for the rebuilding, modernization and maintenance of the Portsmouth-Seabrook branch line.

II. \$400,000 to be used for the rebuilding, modernization and maintenance of the Rochester-Ossipee branch line.

III. \$485,000 to be used for the rebuilding, modernization and maintenance of the Rollingsford-Rochester branch line.

IV. \$1,170,000 to be used for the rebuilding, modernization and maintenance of the Nashua-Bennington branch line.

V. \$200,000 to be used for the rebuilding, modernization and maintenance of the Claremont-Concord branch line.

5 Procedures and Conditions. All state funds appropriated pursuant to section 2 shall be expended only if the following procedures and conditions are fulfilled and incorporated into binding agreements

executed by and among the state, the owner of the affected branch lines, and shippers or users who utilize said lines and who participate in the performance of said following procedures and conditions:

I. All state funds shall be matched by the shipper, owner or user in cash, or in-kind materials or services of 20 percent of the total amount provided to the branch line on which funds are expended.

II. Shippers or users participating pursuant to paragraph I shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of said commitment shall be preceded by a finding by the railroad division that any shipping rate increases during said period are reasonable.

III. Shippers or users shall make commitments to use appropriate volume and usage levels on the said line.

IV. The railroad operator and its successors and assigns shall make commitments to continue service and maintenance on the lines appropriate to the volume and usage levels committed under paragraph II and at the classification level to which it has been rehabilitated by the project, except under conditions which protect the state's remaining interest in the improvements made hereunder during the life of said improvements.

V. If the railroad sells, disposes of, abandons or otherwise alienates the line, a lien on the line property shall be created in favor of the state in an amount which equals the total amount expended by the state on the line project.

6 Transfer of Funds. Notwithstanding any other provision of law to the contrary, \$200,000 shall be transferred from the appropriations division account #99039, Cheshire branch maintenance, to be expended on rail rehabilitation projects pursuant to section 2 of this chapter.

7 Effective Date. This act shall take effect upon its passage.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor. Ought to Pass.

This bill provides prevention, assessment, and control activities with respect to chronic diseases. A cancer registry is established. Provisions for protecting identity of individuals are provided. The bill is funded at \$445,000 each year (FY 86 and 87). Vote 20-0. Rep. John J. Kane for Appropriations.

HB 421-FN, appropriating funds for facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. Ought to Pass with Amendment.

This creates the legislative language for new facilities to serve severely, chronically developmentally disabled and severely emotionally disturbed children provided for in PAU 06031106 in HB 400.

The amendment creates legislative language for the development of the Governor's Excellence in Education program provided for in PAU 02030203 in HB 400. Vote 17-2. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Governor's Steering Committee.

1. There is hereby established the governor's steering committee consisting of 17 members to direct and develop the excellence in education program. The committee members, shall consist of:

(a) Two members of the senate appointed by the president of the senate;

(b) Two members of the house of representatives appointed by the speaker of the house; and

(c) Six members, one to represent each of the following groups, to be appointed by the group he represents: National Education Association of New Hampshire, New Hampshire Association of School Principals, New Hampshire School Boards Association, New Hampshire Federation of Teachers, New Hampshire School Administrators Association, and New Hampshire Parents and Teachers Association; and

(d) Seven members, to be appointed by the governor who shall have appropriate experience and qualifications and who may represent private or public higher educational facilities.

II. The steering committee shall act through separate action committees in each of the 3 programs outlined in section 6 of this act. These action committees shall initiate and develop the programs described in section 6 under the overall jurisdiction of the steering committee. Each action committee shall include representatives of those affected by each program and individuals who have expertise in those areas.

8 Excellence in Education Program. The steering committee established in section 5 of this act shall study how to best establish the following 3 programs:

1. A program for gifted and talented students that shall include the following:

(a) Development of a model state plan to be implemented in 2 phases for gifted and talented student education.

(b) Training teachers in the planning and development of local school district plans for gifted and talented student education.

(c) Support for selected local school districts in the implementation of their local plan.

(d) Support for the enrichment of on-campus higher education programs for gifted and talented elementary and secondary students.

(e) Evaluation of local school district's phase 1 efforts and the refinement of the model state plan for replication by all of New Hampshire school districts.

(f) Support staff for the governor's steering committee.

II. A program for teacher excellence that shall include the following:

(a) Development of a model state plan to be implemented in 2 phases for enhancement of existing educational resources through use of computer technology.

(b) Local district teacher training in education and computers through higher educational institutions.

(c) Providing technical assistance to local districts to develop plans for teachers and technology.

(d) Support for selected local districts in implementing local plans.

(e) Evaluating local district phase 1 efforts and refining the model state plan for phase 2.

(f) Support staff for the governor's steering committee on excellence in education.

III. A program for curriculum excellence that shall include the following:

(a) Development by exceptional teachers in mathematics and science of a model curricula designed to be transmitted via television to voluntary participating districts.

(b) Developing transmission facilities for transmission of such curricula via television to voluntary participating districts.

(c) Evaluation to determine future direction of the state telecommunications efforts.

(d) Support staff for the governor's steering committee on excellence in education.

9 Report. The governor's steering committee shall submit a report no later than January 1, 1986, to the senate education committee, the senate finance committee, the house education committee, the house appropriation committee and the governor. The report shall include recommendations on the establishment of the 3 programs described in section 6 of this act.

10 Effective Date. This act shall take effect July 1, 1985.

Amend the bill by striking out sections 4 and 6 and renumbering sections 5, and 7-10 to read as 4, 5, 6, 7, and 8, respectively.

HB 434-FN, relative to missing children and making an appropriation therefor. Ought to Pass.

This bill is a positive response to the problem of missing children. It provides for actions to be taken by the Departments of Education, Safety, and

the Office of the Attorney General. The bill establishes programs for education, identification and a protocol for reporting missing children. There is an appropriation of \$50,000 for the period ending June 30, 1987. Vote 21-0. Rep. John Kane for Appropriations.

HB 436-FN, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, addresses a series of problems in proper progression. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Weeks Traffic Circle Study; Transfer of Funds. When the Weeks traffic circle study in the city of Dover is available, the department of public works and highways shall request the governor and council for approval to transfer the necessary funds and such funds are hereby appropriated from the eastern turnpike sinking fund for the purpose of making any necessary study and preparing engineering plans to construct a cloverleaf intersection at exit 9 on the Spaulding turnpike and the connector road from the Spaulding turnpike to the traffic circle.

2 Effective Date. This act shall take effect upon its passage.

HB 442-FN, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor. Ought to Pass.

The Committee felt it was important to aid our private colleges and university system to attract out-of-state students. Economically they bring millions of dollars into our state. In the University System they support the quality of higher education through the additional tuition they pay. Vote 17-0. Rep. Andrea A. Scranton for Appropriations.

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor. Ought to Pass with Amendment.

By taking over local and county costs of court facilities, HB 444-FN continues the court reform begun last session. The amendment funds the program with the excess in court revenues from FY 85 and the one time contribution counties will make in July. Local money not required to operate the courts is thus returned to the county and local levels to be used to further reduce costs to the property taxpayer. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Appropriation.

I. In addition to any other sums appropriated to the supreme court, there is hereby appropriated to the supreme court for the biennium ending June 30, 1987, a sum not to exceed \$3,500,000 for:

(a) Court facility expenses; and

(b) Any expenses of the New Hampshire court accreditation commission relating to the financing of court facilities on or after January 1, 1986.

II. The amount to be paid for each court facility shall be established by the administrative office of the courts and approved by the court accreditation commission. The appropriation made by paragraph I of this section shall lapse on June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The funds hereby appropriated result from:

(a) The \$2,750,000 reimbursed to the state by the counties under 1983, 383:65; and

(b) Unrestricted court revenues in excess of \$12,400,000 from fiscal year 1985.

HB 445-FN, relative to local probation services and making an appropriation therefor. Ought to Pass with Amendment.

As part of court reform, the state has an obligation to assume local probation as well as local court costs. The amendment provides for immediate assumption of about 25% of local probation costs using the same source of funds as HB 444-FN. In anticipation of further funding, a study group will report to the Governor and Legislature by the end of this year on how best to fully integrate local probation offices into the state system. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

appropriating funds for local probation services and relative to the duties of the select commission to study a unified court system.

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Select Commission Continued; Report Required. Amend 1979, 488:5 as amended by 1983, 382:14 by striking out said section and inserting in place thereof the following:

488:5 Meetings; Report. The commission shall meet as often as it deems necessary at such places as it shall determine. The commission shall complete and shall present a report and proposed legislation concerning a method of organizing local probation services, if it deems such legislation advisable, to the governor and the legislature by December 31, 1985, for consideration during the 1986 or 1987 regular session of the legislature. The commission shall continue in existence until December 31, 1985.

3 Commission to Examine Probation. Amend 1979, 488:1 as amended by 1983, 382:13 by striking out said section and inserting in place thereof the following:

488:1 Select Commission Established; Duties. A select commission is hereby established to examine local probation services and to develop a proposed method of administering and organizing local probation services, considering as possibilities administration by the division of children and youth services in the department of health and human services, the department of corrections, or the judicial branch. The commission shall make specific recommendations as to interdepartmental relationships, staffing, job responsibilities, and relationship to the courts as it deems appropriate.

4 Compensation. Amend 1979, 488:6 as amended by 1983, 382:15 by striking out said section and inserting in place thereof the following:

488:6 Compensation. The members of the commission who are not legislators appointed by the president of the senate or the speaker of the house shall receive mileage at the same rate as state employees for their services as members of the commission. Members of the commission who are legislators and are serving as an appointee of the speaker of the house or the president of the senate also shall receive no compensation but shall receive their normal legislative mileage.

5 Advisory Committee. Amend 1979, 488:2 by striking out said section and inserting in place thereof the following:

488:2 Membership; Advisory Committee. The commission shall consist of 6 members, 3 of whom shall be appointed by the president of the senate and 3 by the speaker of the house, at least one of whom shall be a member of the house judiciary committee. In addition to the commission, there is hereby established an advisory committee which shall work with the commission and assist it in developing a method of administering and organizing local probation services. The advisory committee shall continue in existence until December 31, 1985, and shall be composed of the following members:

(a) The director of the division of children and youth services, department of health and human services.

(b) The commissioner of corrections.

(c) The director of the administrative office of the courts.

(d) The president of the New Hampshire Judges' Association or his designee.

(e) The president of the New Hampshire District Court Probation Officers' Association or his designee.

II. The advisory committee shall submit specific recommendations to the commission for consideration by December 1, 1985.

6 Appropriation. There is hereby appropriated to the department of corrections a sum not to exceed \$250,000 for the biennium ending June 30, 1987. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The funds hereby appropriated result from unrestricted court revenues from fiscal year 1985 in excess of \$12,400,000, provided that if such unrestricted court revenues in excess of \$12,400,000 are specifically designated as the source of funds for any other purposes, the appropriation made by this section shall take effect only after any other appropriations which designate such unrestricted court revenues as their source of funds have been funded to the extent authorized by the legislature. The appropriation made by this section shall be distributed by the department of corrections on a prorated basis so that each municipality with a local probation department shall receive a fraction of the funds appropriated by this section which is equal to a fraction, the numerator of which is the municipality's probation department budget for fiscal year 1985 and the denominator of which is the total for all local probation department budgets for fiscal year 1985.

7 Repeal. 1979, 488 as amended by 1983, 382:13-16, and sections 2-5 of this act relative to a select commission to examine a unified court system, is hereby repealed.

8 Effective Date.

I. Section 7 of this act shall take effect January 1, 1986.

II. The remainder of this act shall take effect July 1, 1985.

HB 478-FN, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses. Ought to Pass.

This bill establishes authority for the Commissioner of Health and Human Services to request fees from persons who provide care to alcohol or drug abuse patients. It also establishes a revolving fund which will be used for alcohol and drug abuse related programs. The bill repeals a revolving fund which presented a potential liability for interest free loans to finance expenses for treatment and rehabilitation of certain patients. Vote 20-2. Rep. John Kane for Appropriations.

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor. Ought to Pass.

This bill establishes a loan fund for the purpose of distributing a

telecommunications device to hearing impaired persons. The Committee was impressed by the usefulness and the need to help make this equipment more available. Vote 21-1. Rep. Edward D. Densmore for Appropriations.

HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year. Ought to Pass.

This bill corrects an inequity in the retirement law by providing teachers in group I, active in the years 1984-85 who had service prior to 1949, to receive credit for such service and be eligible for the benefits of the New Hampshire Teachers Retirement System. The Committee approved the appropriation to accomplish this as provided in the bill. Vote 20-0. Rep. Margaret A. Ramsay for Appropriations.

HB 486-FN, authorizing the board of governors to lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties. Ought to Pass.

This bill grants to the Board of Governors of the Department of Postsecondary Vocational-Technical Education the power to lease land to private parties for the purposes of construction and operating residential facilities for students of Berlin Voc-Tech. Vote 17-3. Rep. Joanne A. O'Rourke for Appropriations.

HB 487-FN, reducing the amount which counties are required to reimburse the state for superior court and probate court costs in fiscal year 1985. Inexpedient to Legislate.

The Committee agreed that these funds should be returned to help property taxpayers. Because the funds are returned in HB 444-FN and HB 445-FN, this bill is no longer needed. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

HB 600, making appropriations for capital improvements. Ought to Pass with Amendment.

This bill addresses the capital needs of the state as proposed by the Public Works Committee. The amendment corrects a situation in equipment purchased also to extend lapse dates of Aeronautics appropriation. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out paragraphs V and VI of section 1 and inserting in place thereof the following:

V. Fish and Game

- | | |
|--|-------------------|
| A. New headquarters facility - Concord
(Design and construction to be built
on site of burned out headquarters) | \$2,300,000 |
| | |
| B. New regional offices - design and
construction | |
| 1. Durham (to be built on state
owned property) | \$ 810,000 |
| 2. Laconia (to be built on state
owned property); southwest region
of state - Cheshire county;
Littleton (in federal district
court building). | \$ 500,000 |
| | |
| C. Computer system - headquarters - Concord | <u>\$ 90,000*</u> |

Total state appropriation paragraph V \$ 3,700,000

(No expenditure may be made from the appropriation made in paragraph V, A, or B of section 1 until such time as the fish and game commission has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.)

VI. Health and Welfare

- | | |
|---|---------------|
| A. Boiler breeching replacement - LSS | \$ 82,000 |
| B. Generator replacement - Glencliff | 100,000 |
| C. Handicapped entrance to tunnel in
activity building - Glencliff | 15,000 |
| D. Roof repairs/replacement - Dwinell
building and boiler house - LSS | 60,000 |
| E. Boiler breeching replacement - YDC | 30,000 |
| F. Safety improvements - Friendship
house - Manchester | 75,000 |
| G. Smoke detectors - YDC | 22,000 |
| H. Resident cottage - children and youth
services | 265,000 |
| I. New tile and underlayment - Glencliff
(Brown building wings, Adams hall and
administration building) | 55,000 |
| J. Construction of new tunnel to Rec.
hall - Glencliff | <u>75,000</u> |

Total state appropriation paragraph VI \$ 779,000

Amend the bill by striking out the note after paragraph IX of section 1 and inserting in place thereof the following:

(A sum not exceeding 1 1/2 percent of the total capital appropriation made in paragraph IX, A and K of section 1 may be utilized for the purpose of contract or in-house engineering services for design, maintenance, and supervision.)

Amend the bill by striking out paragraph XI, B and C of section 1 and inserting in place thereof the following:

- | | |
|--|-----------|
| B. Site evaluation - site plan and
construction documents for state
veterans cemetery including
administration/maintenance building,
chapel, and columbarium | \$ 50,000 |
|--|-----------|

C. Veteran's Home museum	\$ 125,000
less gifts and donations	<u>- 125,000</u>

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriation - Self Liquidating Revenue Bonds Aeronautics Commission. The sums hereinafter detailed are hereby appropriated for the projects specified:

1. Aeronautics commission

A. Design and construction of hangar - Skyhaven	\$ 140,000**
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Total appropriation paragraph 1	<u>\$ 140,000</u>
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Total state appropriation section 6	\$ 140,000
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** To be 10 year bonds.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$28,607,920 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

II. To provide funds for the purpose of section 5, the Hampton projects, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$494,500 and for said purpose shall issue revenue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Hampton parking meter revenues. Prior to issuance of the bonds or notes authorized by this paragraph, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$494,500.

III. To provide funds for the purpose of section 6, the design and construction of Skyhaven hangar project, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$140,000 and for said purpose shall issue revenue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Skyhaven hangar revenues. Prior to issuance of the bonds or notes authorized by this paragraph, the treasurer may, for the purpose of this section, borrow money from

time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$140,000.

IV. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue revenue bonds and notes in the name of and in behalf of the state of New Hampshire in accordance with RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Department of Postsecondary Vocational Technical Education.

I. All of the CAD systems authorized in section 1, subparagraphs III, A, 2; B, 2; F, 1; and G, 1 of this act are to be compatible and interchangeable for utilization throughout the entire system as determined by the commissioner and board of governors and as dictated by drafting program enrollments.

II. The appropriation made in section 1, subparagraph III, H, 1 shall be used for the development of a program that will provide computer literacy to every graduate. Based on enrollments and present equipment, the commissioner and governor shall determine the allotment of the resources herein provided. All of the hardware authorized herein shall be compatible and interchangeable throughout the entire system.

III. Notwithstanding any other provision of law, for the purpose of section 1, paragraph III, F-3, of this act, the department of postsecondary vocational technical education shall be exempt from the rules of the department of administrative services, division of plant and property management when purchasing any equipment.

Amend the bill by striking out section 22 and inserting in place thereof the following:

22 Aeronautics Commission Airport Projects; Lapse Dates Extended. The lapse date for the balance of the appropriation on the following project appropriations are hereby extended to June 30, 1987.

I. Manchester Airport. Land acquisition and obstruction removal. (1969, 505:1, III(f) and 1972, 62:5)

II. Nashua Airport. Land acquisition ILS clear zone. (1979, 435:1, III(f), as amended by 1981, 565:14).

III. Lebanon Airport. Runway Extension. (1983, 4:10)

Amend the bill by striking out section 31 and inserting in place thereof the following:

31 New Section; Revenue Bonds. Amend RSA 6-A by inserting after section 10 the following new section:

6-A:11 Revenue Bonds. The governor and council may authorize the state treasurer to issue revenue bonds in accordance with this section. Revenue bonds may be authorized whenever the proceeds of such bonds are to be used for revenue-producing facilities or to refund bonds, the principal of which was used for revenue-producing facilities, and the revenue from such facilities are expected to be sufficient to pay the principal, premium, if any and interest on such bonds. As used in this section, revenue-producing facilities means any facility from the operation of which revenues are to be derived by the state. The proceedings authorizing the issuance of revenue bonds shall contain a description of the facilities financed or to be financed and the revenue generated or expected to be generated by said facility. The principal of, premium, if any, and interest on revenue bonds issued pursuant to this section shall be paid solely from the revenue generated by the facility constructed. In authorizing the issuance of such bonds, the governor and council are hereby empowered to pledge and dedicate the revenue from such facility to be used first to pay the principal of, premium, if any, and interest on said bonds as the same become due and the state treasurer shall keep such revenue in a separate account for such purpose and is hereby authorized to expend the same for such purpose. Revenue bonds issued pursuant to this section shall not be considered a pledge of the faith and credit of the state and shall not be deemed debt of the state in determining its borrowing capacity under any applicable law. All provisions of RSA 6-A not inconsistent with the provision of this section shall be applicable to revenue bonds issued hereunder.

32 Effective Date. This act shall take effect upon its passage.

HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds. Ought to Pass.

This will ease the method of collection and reduce the amount of paperwork necessary to collect this tax. Makes sticker fee applicable to both in-state and out-of-state trucks. Vote 18-1. Rep. John E. Burns for Appropriations.

HB 632-FN, establishing a printed materials revolving fund at the department of education. Ought to Pass.

This bill sets up a printed materials revolving loan fund which allows the Department of Education to recover printing costs. Local school districts will not be charged under this section. Vote 21-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 651-FN, relative to screening for long term care. Ought to Pass with Amendment.

This bill develops a pre-admission screening program for all persons who may become eligible for medical assistance within six months following application for admission to an intermediate care facility. The bill prohibits medicaid payments from being made for any person who has not been screened. Vote 19-2. Rep. Roma A. Spaulding for Appropriations.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Implementation. The director of the division of human services shall initiate the rulemaking procedures authorized in RSA 161:2, VI-a(b) as soon as practicable after the passage of this act.

4 Appropriations. The following sums are hereby appropriated to the division of human services for the purposes of carrying out this act:

FY 1986

Federal funds	\$59,592
General fund	<u>\$19,864</u>
Total	\$79,456

FY 1987

Federal funds	\$61,977
General fund	<u>\$20,659</u>
Total	\$82,636

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 180 days after its passage.

II. The remainder of this act shall take effect upon its passage.

HB 655-FN, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance. Ought to Pass.

This bill authorizes the New Hampshire Retirement System Board of Trustees to purchase fiduciary insurance to protect their members against personal losses. Vote 18-0. Rep. Rowland H. Schmidtchen for Appropriations.

HB 694-FN, relative to welfare changes. Ought to Pass with Amendment.

This bill was requested by the Department of Health and Human Services, and makes some changes in regard to rulemaking authority. Language is added to allow a special needs program subject to available funds. It also extends AFDC coverage to eighteen year olds still in school. Vote 21-0. Rep. Edward D. Densmore for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to welfare changes and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rate Setting. Amend RSA 167:3-c, II (supp) as inserted by 1983, 242:6 by striking out said paragraph and inserting in place thereof the following:

II. Consolidated standards of need and standards of need under RSA 167:7, I, I-a, and II.

II-a. Criteria for a special needs and emergency assistance programs under RSA 167:7, V.

2 Federal Changes Regarding Eligibility Incorporated. Amend RSA 167:6, V as inserted by 1969, 451:4 as amended by striking out said paragraph and inserting in place thereof the following:

V. For purposes hereof, a person shall be eligible for aid to families with dependent children who is a needy child 17 years of age or under or 18 years of age, a full-time student in a secondary school as defined by the director of the division of human services, and reasonably expected to complete the program before reaching 19 years of age; who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent; and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, first cousin, nephew or niece, uncle, or aunt in a place of residence in the state maintained by one or more of such relatives as his or their home. For purposes of this section, a child who meets the above requirements shall

be eligible, even if the child was removed from the home of a relative as a result of a judicial determination and was placed in a foster home and care, when the care and placement of the child are the responsibility of the division of welfare or another public agency which meets federal requirements and the state plan, and when the child received or would have been eligible to receive aid to families with dependent children within 6 months of the month in the month in which court proceedings were initiated except that such a child need not have lived with a specified relative. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to the permanently and totally disabled.

3 Consolidation of Standard of Need. Amend RSA 167:7 (supp) as amended by striking out said section and inserting in place thereof the following:

167:7 Amount of Assistance.

I. The director of the division of human services of the department of health and human services may establish consolidated standards of need for the adult programs he administers, subject to appropriated funds and federal regulations.

I-a. The director of the division of human services of the department of health and human services may establish different standards of need in the adult programs he administers for residents of shared homes and community living homes, subject to appropriated funds and federal regulations. Standards of need may differ between the 2 types of homes and with respect to the level of services and care required by and provided to the recipient. The standards shall be rational and reasonably cost related.

II. The director of the division of welfare of the department of health and human services may establish for the aid to families with dependent children consolidated standards of need, or consolidated standards of need except for shelter, subject to appropriated funds and applicable federal regulations.

III. The director of the division of welfare of the department of health and human services shall determine the level of benefits in both programs so that recipients shall be allowed to subsist compatibly with decency and health, subject to the amount of appropriated funds and applicable federal regulations.

IV. In determination of the amount of payments or other assistance under RSA 167 or RSA 161, due regard shall be given to the income and resources of applicants.

V. Subject to applicable federal regulations, the director may establish criteria to operate a special needs program, or to operate an emergency assistance program only for aid to families with dependent children, subject to the amount of funds appropriated specifically for these purposes.

4 Appropriation. The following sums are hereby appropriated to the division of human services, department of health and human services for the purpose of carrying out the provisions of this act:

	FY 1986	FY 1987
Federal funds	\$ 71,702	\$ 71,705
General fund	56,223	58,694
Total	\$126,925	\$130,199

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1985.

HB 704-FN, relative to early debt redemption and operating deficits. Ought to Pass with Amendment.

The bill would have automatically used certain surpluses to reduce the State debt. The amended version proposed by the Appropriations Committee will require the Treasurer to report "in detail the Bond issues" which might be redeemed. This would allow each legislator to determine the use of any surplus for this purpose or any other. Vote 20-0. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring the state treasurer to report annually to the legislature about early debt redemption.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Debt Redemption; State Treasurer Required to Report. Amend RSA 9 by inserting after section 13-d the following new section:

9:13-e Debt Redemption; State Treasurer Required to Report.

I. The state treasurer shall report annually to the legislature, prior to the beginning of each session, on the state's outstanding bond obligations. The report shall describe in detail the bond issues which, in the state treasurer's judgment, could be redeemed prior to their stated date of maturity; the value of such issues; and the reasons why the state treasurer believes such issues should be redeemed prior to maturity.

II. The state treasurer shall make recommendations for appropriate legislation relative to early redemption of the state's outstanding bond obligations.

III. The legislature, upon receipt of the state treasurer's report, may appropriate a percentage of any budget surplus for the purposes of this section. The percentage of the budget surplus to be applied to early debt redemption shall be determined by the legislature after receipt of the state treasurer's report.

2 Effective Date. This act shall take effect July 1, 1985.

HB 721-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass with Amendment.

This bill will make it possible for any group II member of the New Hampshire retirement system to retire at age 65 and receive prorated retirement allowance even though he may not have the normal 20 years service. The amendment makes specific what is meant by prorated service retirement allowance. Vote 18-1. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, II(a) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service may retire on a service retirement allowance. Any group II member in service who has attained age 65 but who has not completed 20 years of creditable service may elect to retire at age 65 and to receive a prorated service retirement allowance which is based upon the member's average final compensation and creditable service at the time he elects to retire. A member in either one of these categories may retire upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

HB 734-FN, relative to child support enforcement. Ought to Pass.

This bill was requested by the Department of Health and Human Services in order to change enforcement laws to meet federal requirements. Sanctions against delinquent payors are strengthened. Vote 21-0. Rep. Edward D. Densmore for Appropriations.

COMMITTEE REPORTS (Regular Calendar)

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987. Ought to Pass with Amendment.

AMENDMENTS TO PAGE 1 04/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

AMEND SECTION 1 OF THE BILL BY MAKING THE FOLLOWING SPECIFIED CHANGES, AND BY CHANGING SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED TO REFLECT THE SPECIFIED CHANGES.

01 GENERAL GOVERNMENT

03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR
01 OFFICE OF THE GOVERNOR

STRIKE OUT *
12 LEGAL COUNCIL
INSERT IN PLACE THEREOF *
12 LEGAL COUNSEL
TOTAL

39,000
39,000
1423,327

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR
03 STATE PLANNING OFFICE
01 STATE PLANNING ADMINISTRATION

INSERT
92 REGIONAL PLANNING

134,000
140,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE PLANNING ADMINISTRATION

1297,331
1320,304

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

555,851
489,851
1297,331
1431,051
557,578
697,578
1320,304
1454,464

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE PLANNING OFFICE
GENERAL FUNDS
OTHER FUNDS
TOTAL

823,571
607,480
1231,051
831,738
622,726
1454,464

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR
04 STATE PLANNING GRANTS
05 ESTUARINE SANCTUARY

STRIKE OUT
80 OUT OF TRAVEL

275
275

AMENDMENTS TO	PAGE	3	04/17/85	----- FISCAL YEAR 1985 -----	----- FISCAL YEAR 1987 -----
<div style="text-align: center;">(CONT.)</div> <div style="text-align: center;">(CONT.)</div> <div style="text-align: center;">(CONT.)</div>					
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
02 EXECUTIVE COUNCIL					
INSERT IN PLACE THEREOF					
63 BENEFITS			1,272		1,306
STRIKE OUT			6,771-		6,948-
65 BENEFITS					
INSERT			5,000		
02 ACCESS TO INTEGRATED FINANCIAL G					
TOTAL				83,404	79,016
ESTIMATED SOURCE OF FUNDS FOR					
EXECUTIVE COUNCIL					
STRIKE OUT				78,404	79,016
GENERAL FUND				83,404	79,016
INSERT IN PLACE THEREOF				83,404	79,016
GENERAL FUND					
TOTAL				30791,756	31317,298
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
EXECUTIVE OFFICE					
FEDERAL FUNDS				27385,782	27777,027
GENERAL FUNDS				2420,466	2534,517
OTHER FUNDS				985,508	1005,754
TOTAL				30791,756	31317,298
01 GENERAL GOVERNMENT					
04 DEPARTMENT OF ADMINISTRATIVE SERVICES					
02 DIVISION OF ACCOUNTING SERVICES					
01 BUREAU OF ACCOUNTING					
STRIKE OUT					
91 PREPARATION OF ANNUAL REPORT			120,000		100,000
INSERT IN PLACE THEREOF					
91 PREPARATION OF ANNUAL REPORT *			100,000		100,000
INSERT					

AMENDMENTS TO
HBD400 PAGE 4 04/17/85

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

01 GENERAL GOVERNMENT (CONT.)
04 DEPARTMENT OF ADMINISTRATIVE SERVICES (CONT.)
02 DIVISION OF ACCOUNTING SERVICES (CONT.)
01 BUREAU OF ACCOUNTING

THIS APPROPRIATION SHALL BE USED TO MEET THE REQUIREMENTS OF RSA 21-1:8, 1(H) RELATIVE TO A COMPLETED COMPREHENSIVE ANNUAL REPORT NOT LATER THAN 90 DAYS AFTER THE CLOSE OF THE FISCAL YEAR. THIS APPROPRIATION SHALL NOT BE USED FOR THE COST OF AUDITING SUCH REPORT. ALL COSTS RELATIVE TO AUDIT SHALL BE MADE FROM FUNDS AVAILABLE TO THE LEGISLATIVE BUDGET ASSISTANT.

TOTAL	694,964	703,243	924,434
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF ACCOUNTING SERVICES GENERAL FUNDS	917,812	917,812	924,434
TOTAL	917,812	917,812	924,434
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF ADMINISTRATIVE SERVICES GENERAL FUNDS OTHER FUNDS	19237,569	19249,198	19249,198
TOTAL	11071,213	10967,745	10967,745
01 GENERAL GOVERNMENT	8166,356	8281,453	8281,453
08 REVENUE ADMINISTRATION	19237,569	19249,198	19249,198
01 COMMUNITY SERVICES			
04 FINANCIAL AID TO TOWNS			
STRIKE OUT			
91 CITY OF CONCORD - FIRE SERVICE	15,450	15,750	15,750
INSERT IN PLACE THEREOF			
91 CITY OF CONCORD - FIRE SERVICE	25,450	25,750	25,750
TOTAL ESTIMATED SOURCE OF FUNDS FOR FINANCIAL AID TO TOWNS	303,550	309,250	309,250

AMENDMENTS TO
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	FISCAL YEAR 1986	FISCAL YEAR 1987
1. Total	100.0	100.0
2. Federal Government	10.0	10.0
3. State Government	20.0	20.0
4. Local Government	70.0	70.0
5. Private	0.0	0.0
6. Other	0.0	0.0
7. Total	100.0	100.0
8. Federal Government	10.0	10.0
9. State Government	20.0	20.0
10. Local Government	70.0	70.0
11. Private	0.0	0.0
12. Other	0.0	0.0
13. Total	100.0	100.0
14. Federal Government	10.0	10.0
15. State Government	20.0	20.0
16. Local Government	70.0	70.0
17. Private	0.0	0.0
18. Other	0.0	0.0
19. Total	100.0	100.0
20. Federal Government	10.0	10.0
21. State Government	20.0	20.0
22. Local Government	70.0	70.0
23. Private	0.0	0.0
24. Other	0.0	0.0
25. Total	100.0	100.0
26. Federal Government	10.0	10.0
27. State Government	20.0	20.0
28. Local Government	70.0	70.0
29. Private	0.0	0.0
30. Other	0.0	0.0
31. Total	100.0	100.0
32. Federal Government	10.0	10.0
33. State Government	20.0	20.0
34. Local Government	70.0	70.0
35. Private	0.0	0.0
36. Other	0.0	0.0
37. Total	100.0	100.0
38. Federal Government	10.0	10.0
39. State Government	20.0	20.0
40. Local Government	70.0	70.0
41. Private	0.0	0.0
42. Other	0.0	0.0
43. Total	100.0	100.0
44. Federal Government	10.0	10.0
45. State Government	20.0	20.0
46. Local Government	70.0	70.0
47. Private	0.0	0.0
48. Other	0.0	0.0
49. Total	100.0	100.0
50. Federal Government	10.0	10.0
51. State Government	20.0	20.0
52. Local Government	70.0	70.0
53. Private	0.0	0.0
54. Other	0.0	0.0
55. Total	100.0	100.0
56. Federal Government	10.0	10.0
57. State Government	20.0	20.0
58. Local Government	70.0	70.0
59. Private	0.0	0.0
60. Other	0.0	0.0
61. Total	100.0	100.0
62. Federal Government	10.0	10.0
63. State Government	20.0	20.0
64. Local Government	70.0	70.0
65. Private	0.0	0.0
66. Other	0.0	0.0
67. Total	100.0	100.0
68. Federal Government	10.0	10.0
69. State Government	20.0	20.0
70. Local Government	70.0	70.0
71. Private	0.0	0.0
72. Other	0.0	0.0
73. Total	100.0	100.0
74. Federal Government	10.0	10.0
75. State Government	20.0	20.0
76. Local Government	70.0	70.0
77. Private	0.0	0.0
78. Other	0.0	0.0
79. Total	100.0	100.0
80. Federal Government	10.0	10.0
81. State Government	20.0	20.0
82. Local Government	70.0	70.0
83. Private	0.0	0.0
84. Other	0.0	0.0
85. Total	100.0	100.0
86. Federal Government	10.0	10.0
87. State Government	20.0	20.0
88. Local Government	70.0	70.0
89. Private	0.0	0.0
90. Other	0.0	0.0
91. Total	100.0	100.0
92. Federal Government	10.0	10.0
93. State Government	20.0	20.0
94. Local Government	70.0	70.0
95. Private	0.0	0.0
96. Other	0.0	0.0
97. Total	100.0	100.0
98. Federal Government	10.0	10.0
99. State Government	20.0	20.0
100. Local Government	70.0	70.0
101. Private	0.0	0.0
102. Other	0.0	0.0
103. Total	100.0	100.0
104. Federal Government	10.0	10.0
105. State Government	20.0	20.0
106. Local Government	70.0	70.0
107. Private	0.0	0.0
108. Other	0.0	0.0
109. Total	100.0	10

01 GENERAL GOVERNMENT	(CONT.)
08 REVENUE ADMINISTRATION	(CONT.)
01 COMMUNITY SERVICES	(CONT.)
04 FINANCIAL AID TO TOWNS	(CONT.)

STRIKE OUT		
GENERAL FUND	293,550	299,250
INSERT IN PLACE THEREOF		
GENERAL FUND	303,550	309,250
TOTAL	303,550	309,250

TOTAL	1767,464	1761,567
ESTIMATED SOURCE OF FUNDS FOR		
COMMUNITY SERVICES		
GENERAL FUNDS	1307,729	1298,502
OTHER FUNDS	459,735	463,065
TOTAL	1767,464	1761,567

TOTAL	5120,688	4969,138
ESTIMATED SOURCE OF FUNDS FOR		
REVENUE ADMINISTRATION		
GENERAL FUNDS	4660,953	4506,073
OTHER FUNDS	459,735	463,065
TOTAL	5120,688	4969,138

TOTAL	162,469,351	165,343,809
GENERAL GOVERNMENT		
FEDERAL FUNDS	279,109,986	283,120,059
GENERAL FUNDS	122,797,309	125,136,438
OTHER FUNDS	117,610,056	118,995,312

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
01 JUDICIAL BRANCH
01 SUPREME COURT

STRIKE OUT	276,609	276,609
11 SALARY OF JUSTICES		
IN PLACE THEREOF		
INSERT		
11 SALARY OF JUSTICES	346,500	361,500

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
 01 JUDICIAL BRANCH (CONT.)
 01 SUPREME COURT (CONT.)

STRIKE OUT			
14 RETIRED JUSTICES	125,112		125,112
INSERT IN PLACE THEREOF	155,200		163,125
14 RETIRED JUSTICES			221,242
STRIKE OUT	213,620		245,208
60 BENEFITS	232,616		83,408
INSERT IN PLACE THEREOF			108,750
60 BENEFITS	83,408		
STRIKE OUT			
92 WIDOW'S BENEFITS	104,250		
INSERT IN PLACE THEREOF			
92 WIDOW'S BENEFITS			
TOTAL	2320,704		2379,068
ESTIMATED SOURCE OF FUNDS FOR			
SUPREME COURT			
STRIKE OUT			
GENERAL FUND	2180,887		2206,856
INSERT IN PLACE THEREOF	2320,704		2379,068
GENERAL FUND	2320,704		2379,068
TOTAL			

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
 01 JUDICIAL BRANCH
 02 SUPERIOR COURT

STRIKE OUT			
11 JUDGES	1338,096		1338,096
INSERT IN PLACE THEREOF	1612,000		1692,000
11 JUDGES			40,094
STRIKE OUT	40,094		52,500
14 RETIRED JUDGES	50,250		790,388
INSERT IN PLACE THEREOF			
14 RETIRED JUDGES			
STRIKE OUT			
60 BENEFITS	761,033		

AMENDMENTS TO		PAGE	7	C4/17/85	----- FISCAL YEAR 1986 -----		----- FISCAL YEAR 1987 -----	
J2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
01 JUDICIAL BRANCH (CONT.)								
02 SUPERIOR COURT (CONT.)								
INSERT IN PLACE THEREOF								
60 BENEFITS	815,005				861,819			
STRIKE OUT					80,908			
95 WINDOWS BENEFITS								
INSERT IN PLACE THEREOF					101,000			
95 WINDOWS BENEFITS								
TOTAL					9230,409			9563,885
ESTIMATED SOURCE OF FUNDS FOR								
SUPERIOR COURT								
STRIKE OUT								
GENERAL FUND					7872,285			8101,552
INSERT IN PLACE THEREOF					8230,409			8563,885
GENERAL FUND					9230,409			9563,885
TOTAL								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
01 JUDICIAL BRANCH								
04 DISTRICT COURT								
STRIKE OUT								
11 JUDGES					1496,398			1498,421
INSERT IN PLACE THEREOF					1619,292			1659,315
11 JUDGES								
STRIKE OUT					120,285			120,285
12 RETIRED JUSTICES								
INSERT IN PLACE THEREOF					150,750			157,750
12 RETIRED JUSTICES								
STRIKE OUT					554,606			585,095
60 BENEFITS					583,744			623,774
INSERT IN PLACE THEREOF								
60 BENEFITS								
TOTAL					6619,064			6858,492
ESTIMATED SOURCE OF FUNDS FOR								
DISTRICT COURT								

AMENDMENTS TO PAGE 8 04/17/85		----- FISCAL YEAR 1986 -----		----- FISCAL YEAR 1987 -----	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
01 JUDICIAL BRANCH (CONT.)					
04 DISTRICT COURT					
STRIKE OUT					
GENERAL FUND		5436,567		5621,454	
INSERT IN PLACE THEREOF		5619,064		5858,492	
GENERAL FUND		8619,084		6858,492	
TOTAL		19955,308		20626,341	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR		17955,308		18626,341	
JUDICIAL BRANCH		2000,000		2000,000	
GENERAL FUNDS		19955,308		20626,341	
OTHER FUNDS					
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
02 ADJUTANT GENERAL DEPARTMENT					
01 NEW HAMPSHIRE NATIONAL GUARD					
01 CENTRAL ADMINISTRATIVE OFFICE					
ESTIMATED SOURCE OF FUNDS FOR					
CENTRAL ADMINISTRATIVE OFFICE			15,000	15,000	
STRIKE OUT					
09 AGENCY INCOME			520,292	505,501	
STRIKE OUT					
GENERAL FUND			535,292	520,501	
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
STRIKE OUT					
* ARMORY RENTALS, IN ADDITION TO MONEY APPROPRIATED, ANY RENTAL MONIES RECEIVED FROM NATIONAL GUARD FACILITIES SHALL BE HEREBY APPROPRIATED TO THE ARMORY MAINTENANCE ACCOUNT, GENERAL FUND AND THE NATIONAL GUARD SCHOLARSHIP FUND.					
TOTAL		1649,648		1644,036	

AMENDMENTS TO	PAGE	9	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
02 ADJUTANT GENERAL DEPARTMENT (CONT.)					
01 NEW HAMPSHIRE NATIONAL GUARD (CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
NEW HAMPSHIRE NATIONAL GUARD					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL					
			334,055		335,903
			1297,913		1290,453
			17,680		17,680
			1649,648		1644,036
TOTAL					
			1649,648		1644,036
ESTIMATED SOURCE OF FUNDS FOR					
ADJUTANT GENERAL DEPARTMENT					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL					
			334,055		335,903
			1297,913		1290,453
			17,680		17,680
			1649,648		1644,036
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
03 AGRICULTURE					
05 AGRICULTURAL REGULATION PROGRAMS					
02 PESTICIDE CONTROL					
ESTIMATED SOURCE OF FUNDS FOR					
PESTICIDE CONTROL					
STRIKE OUT					
01					
INSERT IN PLACE THEREOF					
01 OTHER AGENCY FUNDS					
TOTAL					
			62,970		57,615
			62,970		57,615
			149,170		150,611
TOTAL					
			160,050		161,491
ESTIMATED SOURCE OF FUNDS FOR					
AGRICULTURAL REGULATION PROGRAMS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL					
			10,680		10,680
			86,400		93,196
			42,970		57,615
			160,050		161,491
TOTAL					
			1378,958		1391,355

AMENDMENTS TO		PAGE	10	04/17/85	----- FISCAL YEAR 1986 -----		----- FISCAL YEAR 1987 -----	
H80400								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
03 AGRICULTURE (CONT.)								
ESTIMATED SOURCE OF FUNDS FOR								
AGRICULTURE								
FEDERAL FUNDS								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
06 REGULATORY BOARDS AND COMMISSIONS								
06 COSMETOLOGY AND BARBERS BOARD								
STRIKE OUT								
70 IN-STATE TRAVEL								
INSERT IN PLACE THEREOF								
70 IN-STATE TRAVEL								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
COSMETOLOGY AND BARBERS BOARD								
STRIKE OUT								
GENERAL FUND								
INSERT IN PLACE THEREOF								
GENERAL FUND								
TOTAL								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
06 REGULATORY BOARDS AND COMMISSIONS								
11 HUMAN RIGHTS COMMISSION								
STRIKE OUT								
10 PERSONAL SERVICES - PERMANENT								
STRIKE OUT								
20 CURRENT EXPENSES								
10,680								
1305,108								
63,170								
1378,936								
1,250								
2,950								
77,541								
75,841								
77,541								
77,541								
1,500								
3,200								
72,295								
70,595								
72,295								
72,295								
85,258								
9,500								
87,310								
9,840								

AMENDMENTS TO PAGE 11 C6/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
06 REGULATORY BOARDS AND COMMISSIONS (CONT.)
11 HUMAN RIGHTS COMMISSION (CONT.)

STRIKE OUT		
30 EQUIPMENT	100	100
STRIKE OUT		
50 OTHER PERS SVCS	5,359	5,359
STRIKE OUT		
60 BENEFITS	16,579	17,408
STRIKE OUT		
70 IN-STATE TRAVEL	1,393	1,400
STRIKE OUT		
80 OUT-OF-STATE TRAVEL	1,500	1,500
STRIKE OUT		
90 INDIRECT COSTS	10,155	10,155
STRIKE OUT		
91 AUDIT FUNDS SET ASIDE	224	226
ESTIMATED SOURCE OF FUNDS FOR		
STRIKE OUT		
FEDERAL FUNDS	68,177	68,790
STRIKE OUT		
GENERAL FUND	61,891	64,508

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
06 REGULATORY BOARDS AND COMMISSIONS
22 VETERINARY EXAMINERS

INSERT AFTER SOURCE OF FUNDS

BOARDS AND COMMISSIONS TO BE SELF SUSTAINING.
EACH BOARD OR COMMISSION SHALL ESTABLISH A
SCHEDULE OF FEES SUFFICIENT TO PRODUCE REVENUES
OF AT LEAST 12% OF THE DIRECT OPERATING EX-
PENSES OF THE BOARD OR COMMISSION AS APPROPRI-

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D2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
D6 REGULATORY BOARDS AND COMMISSIONS (CONT.)
22 VETERINARY EXAMINERS (CONT.)

ATED HEREIN. IF A BOARD OR COMMISSION RECEIVES
A LESSER AMOUNT OF REVENUE IN ANY FISCAL YEAR,
THE SHORTFALL SHALL BE CARRIED OVER AND
INCLUDED IN THE COMPUTATION OF FEES TO BE
ESTABLISHED FOR THE SUBSEQUENT FISCAL YEAR.

INSERT AFTER SOURCE OF FUNDS

BOARDS AND COMMISSIONS--EXPENSES OF UNEXPECTED
ACTIVITY. IF PERFORMANCE OF THE DUTIES OF A
BOARD OR COMMISSION REQUIRE EXPENDITURE IN
EXCESS OF AMOUNTS APPROPRIATED, THE BOARD OR
COMMISSION MAY, WITH THE PRIOR APPROVAL OF THE
FISCAL COMMITTEE AND GOVERNOR AND COUNCIL, SHALL
BE SUCH ADDITIONAL EXPENDITURES, WHICH SHALL
BE CARRIED OVER ON THE SUBSEQUENT FISCAL YEAR
OR COMMISSION FOR THE SUBSEQUENT FISCAL YEAR
AND AS SUCH SHALL BE INCLUDED IN THE COMPUTA-
TION OF FEES TO BE ESTABLISHED FOR THE SUB-
SEQUENT FISCAL YEAR.

STRIKE OUT AFTER SOURCE OF FUNDS

FOR EACH BOARD OR COMMISSION ENGAGED IN
EXAMINATIONS AND RELATED SERVICES, REVENUES
RESULTING FROM SUCH EXAMINATIONS AND RELATED
SERVICES IN EXCESS OF FUNDS APPROPRIATED MAY
BE UTILIZED AS NEEDED, WITH PRIOR APPROVAL OF
THE FISCAL COMMITTEE AND APPROVAL OF THE
GOVERNOR AND COUNCIL, FOR SUCH SERVICES. IN NO
EVENT WILL SUMS SO EXPENDED EXCEED 80% OF THE
TOTAL AMOUNT CHARGED FOR EXAMINATIONS AND
RELATED SERVICES. ANY SUMS SO EXPENDED SHALL
BE INCLUDED IN THE COMPUTATION OF FEES
ESTABLISHED FOR THE SUBSEQUENT FISCAL YEARS.

STRIKE OUT AFTER SOURCE OF FUNDS

*

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
 06 REGULATORY BOARDS AND COMMISSIONS (CONT.)
 22 VETERINARY EXAMINERS (CONT.)

THE FEES ESTABLISHED BY THE BOARD OR COMMISSION SHALL BE SUFFICIENT TO PRODUCE REVENUES EQUAL TO 125 PERCENT OF THE DIRECT OPERATING EXPENSES OF THE BOARD OR COMMISSION FOR THE PREVIOUS FISCAL YEAR. IF A BOARD OR COMMISSION FAILS TO REACH REVENUES OF AT LEAST 125 PERCENT IN ANY FISCAL YEAR, THE SHORTFALL SHALL BE CARRIED OVER AND SHALL BE INCLUDED IN THE COMPUTATION OF FEES ESTABLISHED FOR THE SUBSEQUENT FISCAL YEAR.

INSERT IN PLACE THEREOF

BOARDS AND COMMISSIONS — PASS THROUGH OF EXAMINATION FEES. EACH BOARD OR COMMISSION WHICH ADMINISTERS EXAMINATIONS AND WHICH ESTABLISHES CHARGES TO EXAMINATION APPLICANTS EQUIVALENT TO 125% OF DIRECT OPERATING EXPENSES OF SUCH EXAMINATION, MAY EXPEND FUNDS FOR SUCH EXAMINATIONS AND RELATED SERVICES OR SUPPLIES AS NEEDED, BUT NOT TO EXCEED THE DIRECT EXPENSE THEREOF.

TOTAL	1221.053	1207.003
ESTIMATED SOURCE OF FUNDS FOR		
REGULATORY BOARDS AND COMMISSIONS		
GENERAL FUNDS	1175.591	1160.513
OTHER FUNDS	45.462	46.490
TOTAL	1221.053	1207.003

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
 07 CIVIL DEFENSE
 06 PUBLIC SERVICES SEABROOK PROJECT

STRIKE OUT 129.063 131.569
 99

AMENDMENTS TO	PAGE	14	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
HBJ400					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
07 CIVIL DEFENSE (CONT.)					
06 PUBLIC SERVICES SEABROOK PROJECT (CONT.)					
INSERT IN PLACE THEREOF					
99 TRANSFER TO PUBLIC HEALTH			129,063	131,569	514,158
TOTAL				501,246	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
07 CIVIL DEFENSE					
07 YANKEE VERMONT PROJECT					
STRIKE OUT					
99			50,136	51,109	
INSERT IN PLACE THEREOF					
99 TRANSFER TO PUBLIC HEALTH			50,136	51,109	261,069
TOTAL				256,847	1758,618
TOTAL				1722,669	
ESTIMATED SOURCE OF FUNDS FOR					
CIVIL DEFENSE				653,595	667,300
FEDERAL FUNDS				310,981	316,091
GENERAL FUNDS				758,093	775,227
OTHER FUNDS				1722,669	1758,618
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
08 PARTI-MUTUEL COMMISSION					
01 PARTI-MUTUEL COMMISSION					
STRIKE OUT					
CLASS 50. SUCH PORTION OF THE AMOUNT THAT CON-					
STITUTES THE COMPENSATION OF THE OFFICIAL STATE					

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HB0400 PAGE 15 C4/17/85

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
08 PARI-MUTUEL COMMISSION (CONT.)
01 PARI-MUTUEL COMMISSION (CONT.)

STEWARD OR ASSOCIATE JUDGES OF THE PARI-MUTUEL COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPROPRIATED FOR THIS IN OTHER PERSONAL SERVICES SHALL BE REIMBURSED TO THE STATE BY THE TRACK, SUCH REIMBURSEMENT SHALL INCLUDE OASI TAXES. THE FUNDS REIMBURSED SHALL ONLY BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES) AFTER THE APPROVAL OF THE GOVERNOR AND COUNCIL.

INSERT IN PLACE THEREOF

* CLASS 50. SUCH PORTION OF THE AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL STATE STEWARD OR ASSOCIATE JUDGES OF THE PARI-MUTUEL COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER SHARE OF OASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES AND ANY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPROPRIATED FOR THIS IN OTHER PERSONAL SERVICES SHALL BE REIMBURSED TO THE STATE BY THE TRACK, SUCH REIMBURSEMENT SHALL INCLUDE OASI TAXES. THE FUNDS REIMBURSED SHALL ONLY BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES) AFTER THE APPROVAL OF THE FISCAL COMMITTEE.

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

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02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
08 PARI-MUTUEL COMMISSION (CONT.)
01 PARI-MUTUEL COMMISSION (CONT.)

STRIKE OUT

VETERINARIANS. REVENUES DUE AND BILLED UNDER
THE PROVISIONS OF RSA 284:20-C AND 20-D IN
EXCESS OF THE AMOUNT ESTIMATED MAY BE EXPENDED
FOR SAID PURPOSES WITH THE PRIOR APPROVAL OF
THE GOVERNOR AND COUNCIL AND THE SAME ARE
HEREBY APPROPRIATED.

INSERT IN PLACE THEREOF

**
VETERINARIANS. REVENUES DUE AND BILLED UNDER
THE PROVISIONS OF RSA 284:20-C AND 20-D IN
EXCESS OF THE AMOUNT ESTIMATED MAY BE EXPENDED
FOR SAID PURPOSES WITH THE PRIOR APPROVAL OF
THE FISCAL COMMITTEE AND THE SAME ARE
HEREBY APPROPRIATED.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
10 FIRE STANDARDS & TRAINING COMMISSION
01 ADMINISTRATION

STRIKE OUT
50 OTHER PERSONAL SERVICES
INSERT IN PLACE THEREOF
50 OTHER PERSONAL SERVICES
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION

33,885	33,885
43,885	43,885
10,393	10,659
11,103	11,374
132,146	133,607

		----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
AMENDMENTS TO	PAGE	17	04/17/85
H95400			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)			
TO FIRE STANDARDS & TRAINING COMMISSION (CONT.)			
OF ADMINISTRATION (CONT.)			
STRIKE OUT			
GENERAL FUND		121,436	122,892
INSERT IN PLACE THEREOF			
GENERAL FUND		132,146	133,607
TOTAL		132,146	133,607
TOTAL		132,146	133,607
ESTIMATED SOURCE OF FUNDS FOR			
FIRE STANDARDS & TRAINING COMMISSION		132,146	133,607
GENERAL FUNDS		132,146	133,607
TOTAL			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
19 JUDICIAL COUNCIL			
STRIKE OUT			
30 EQUIPMENT		650	1
INSERT IN PLACE THEREOF			
30 EQUIPMENT		12,650	1
TOTAL		69,515	59,789
ESTIMATED SOURCE OF FUNDS FOR			
JUDICIAL COUNCIL			
STRIKE OUT			
GENERAL FUND		57,515	59,789
INSERT IN PLACE THEREOF			
GENERAL FUND		69,515	59,789
TOTAL		69,515	59,789
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION			
20 HUMAN RIGHTS COMMISSION			
INSERT			
10 PERSONAL SERVICES - PERMANENT		85,258	87,310

AMENDMENTS TO		PAGE	18	04/17/85	----- FISCAL YEAR 1986 -----		----- FISCAL YEAR 1987 -----	
O2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
20 HUMAN RIGHTS COMMISSION (CONT.)								
INSERT	20	CURRENT EXPENSES			9,500		9,500	
INSERT	30	EQUIPMENT			100		100	
INSERT	50	OTHER PERS SVCS			5,359		5,359	
INSERT	60	BENEFITS			16,579		17,408	
INSERT	70	IN-STATE TRAVEL			1,393		1,400	
INSERT	80	OUT-OF-STATE TRAVEL			1,500		1,500	
INSERT	90	INDIRECT COSTS		E	10,155		10,155	
INSERT	91	AUDIT FUNDS SET ASIDE		D	224		226	
TOTAL		ESTIMATED SOURCE OF FUNDS FOR			130,068		133,298	
HUMAN RIGHTS COMMISSION								
INSERT		FEDERAL FUNDS			68,177		68,793	
INSERT		GENERAL FUND			61,891		64,508	
TOTAL					130,068		133,298	
TOTAL		ESTIMATED SOURCE OF FUNDS FOR			102,504,832		104,595,994	
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
		FEDERAL FUNDS			12642,304		12936,116	
		GENERAL FUNDS			56120,720		57727,692	
		OTHER FUNDS			33741,808		33932,185	
TOTAL					102504,832		104595,994	
O3 RESOURCE PROTECTION AND DEVELOPMENT								
01 FISH AND GAME DEPARTMENT								
01 ADMINISTRATION AND SUPPORT								
03 BUSINESS MANAGEMENT								
INSERT	24	ARRARAGES IN ELECTRIC BILL					11,274	

AMENDMENTS TO	PAGE	19 04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
03 RESOURCE PROTECTION AND DEVELOPMENT				
01 FISH AND GAME DEPARTMENT				
01 ADMINISTRATION AND SUPPORT				
03 BUSINESS MANAGEMENT				
(CONT.)				
(CONT.)				
(CONT.)				
TOTAL		774,370		758,216
ESTIMATED SOURCE OF FUNDS FOR				
BUSINESS MANAGEMENT				
STRIKE OUT				
FISH AND GAME FUND		729,774		724,612
INSERT IN PLACE THEREOF		741,048		724,612
FISH AND GAME FUND		774,370		758,216
TOTAL				
TOTAL		1434,322		1419,658
ESTIMATED SOURCE OF FUNDS FOR				
ADMINISTRATION AND SUPPORT				
FEDERAL FUNDS		236,430		236,462
FISH AND GAME		114,243		1182,238
OTHER FUNDS		3,649		2,958
TOTAL		1434,322		1419,658
03 RESOURCE PROTECTION AND DEVELOPMENT				
01 FISH AND GAME DEPARTMENT				
02 GAME RESOURCES				
02 MANAGEMENT & RESEARCH				
INSERT	G	25,000		
INSERT	G	25,000		
TOTAL		457,998		410,473
ESTIMATED SOURCE OF FUNDS FOR				
MANAGEMENT & RESEARCH				
STRIKE OUT				
FISH AND GAME FUND		122,248		124,723
INSERT IN PLACE THEREOF		172,248		124,723
FISH AND GAME FUND		457,998		410,473
TOTAL				

AMENDMENTS TO		PAGE	20	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
(CONT.) (CONT.) (CONT.) (CONT.)						
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 02 GAME RESOURCES 02 MANAGEMENT & RESEARCH						
TOTAL					696,239	649,435
ESTIMATED SOURCE OF FUNDS FOR						
GAME RESOURCES						
FEDERAL FUNDS						
FISH AND GAME						
OTHER FUNDS						
TOTAL						
03 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
04 LAW ENFORCEMENT						
02 LAW ENFORCEMENT DISTRICTS 1-5						
STRIKE OUT						
30 EQUIPMENT						
INSERT IN PLACE THEREOF						
30 EQUIPMENT						
	133,690					118,550
TOTAL	168,690					153,550
ESTIMATED SOURCE OF FUNDS FOR						
LAW ENFORCEMENT DISTRICTS 1-5						
STRIKE OUT						
01						
INSERT IN PLACE THEREOF						
01 TRF. PAYMENTS GENERAL FUND						
STRIKE OUT						
FISH AND GAME FUND						
INSERT IN PLACE THEREOF						
FISH AND GAME FUND						
TOTAL						
						1470,825
ESTIMATED SOURCE OF FUNDS FOR						
LAW ENFORCEMENT						
FISH AND GAME						
TOTAL					2307,924	2300,080
ESTIMATED SOURCE OF FUNDS FOR						
LAW ENFORCEMENT						
FISH AND GAME						
TOTAL					1608,166	1600,322

AMENDMENTS TO H80400 PAGE 21 04/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

(CONT.)
(CONT.)
(CONT.)

03 RESOURCE PROTECTION AND DEVELOPMENT
01 FISH AND GAME DEPARTMENT
04 LAW ENFORCEMENT

OTHER FUNDS	459,758	699,758
TOTAL	2307,924	2300,080
TOTAL	6141,825	6095,245
ESTIMATED SOURCE OF FUNDS FOR		
FISH AND GAME DEPARTMENT	936,649	934,589
FEDERAL FUNDS	4321,769	4297,940
FISH AND GAME	863,407	862,716
OTHER FUNDS	6141,825	6095,245
TOTAL		

03 RESOURCE PROTECTION AND DEVELOPMENT
03 RESOURCES AND ECONOMIC DEVELOPMENT
02 ECONOMIC DEVELOPMENT
03 TRAVEL PROMOTION

STRIKE OUT *

THE AMOUNT UP TO \$30,000 EACH YEAR MAY BE EXPENDED FOR RESEARCH PROGRAMS IN ORDER TO MEASURE THE EFFECTIVENESS OF DEPARTMENTAL ADVERTISING PROGRAMS. IN ADDITION, NOTWITHSTANDING RSA 12-A:1-E, AN AMOUNT NOT EXCEEDING 1% OF THE TOTAL APPROPRIATION MAY BE TRANSFERRED TO PRINTING AND ADVERTISING WITH THE PRIOR APPROVAL OF THE FISCAL COMMITTEE AND GOVERNOR AND COUNCIL.

INSERT IN PLACE THEREOF *

THE AMOUNT UP TO \$30,000 EACH YEAR MAY BE EXPENDED FOR RESEARCH PROGRAMS IN ORDER TO MEASURE THE EFFECTIVENESS OF DEPARTMENTAL ADVERTISING PROGRAMS. IN ADDITION, NOTWITHSTANDING RSA 12-A:1-E, AN AMOUNT NOT EXCEEDING

AMENDMENTS TO	PAGE	22	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
HB0400					
03 RESOURCE PROTECTION AND DEVELOPMENT			(CONT.)		
03 RESOURCES AND ECONOMIC DEVELOPMENT			(CONT.)		
02 ECONOMIC DEVELOPMENT			(CONT.)		
03 TRAVEL PROMOTION			(CONT.)		
20% OF THE TOTAL APPROPRIATION MAY BE TRANSFERRED TO PRINTING AND ADVERTISING WITH THE PRIOR APPROVAL OF THE FISCAL COMMITTEE AND GOVERNOR AND COUNCIL.					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
03 FORESTRY AND LAND RESOURCES					
03 PLANNING & INFORMATION					
STRIKE OUT					
90 COOP FOREST MANAGEMENT		46,601		47,506	
INSERT IN PLACE THEREOF				98,500	
90 COOP FOREST MANAGEMENT		98,500			145,153
TOTAL			144,409		
ESTIMATED SOURCE OF FUNDS FOR					
PLANNING & INFORMATION					
STRIKE OUT					
GENERAL FUND			84,496		86,112
INSERT IN PLACE THEREOF			136,395		137,106
GENERAL FUND			144,409		145,153
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
03 FORESTRY AND LAND RESOURCES					
04 FOREST & LAND MANAGEMENT					
03 LAND MANAGEMENT					
STRIKE OUT					
91 STATE GEOLOGY PROGRAM		35,000		35,000	
INSERT IN PLACE THEREOF				85,000	
91 STATE GEOLOGY PROGRAM		95,000			186,130
TOTAL			184,461		

AMENDMENTS TO	PAGE	23	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
<div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div> <div>(CONT.)</div>					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
03 FORESTRY AND LAND RESOURCES					
04 FOREST & LAND MANAGEMENT					
03 LAND MANAGEMENT					
ESTIMATED SOURCE OF FUNDS FOR					
LAND MANAGEMENT					
STRIKE OUT					
GENERAL FUND			134,461	136,130	
INSERT IN PLACE THEREOF			184,461	186,130	
GENERAL FUND			184,461	186,130	
TOTAL					
TOTAL			558,032	557,600	
ESTIMATED SOURCE OF FUNDS FOR					
FOREST & LAND MANAGEMENT					
GENERAL FUNDS					
TOTAL			558,032	557,600	
TOTAL			558,032	557,600	
TOTAL			1447,714	1465,771	
ESTIMATED SOURCE OF FUNDS FOR					
FORESTRY AND LAND RESOURCES					
FEDERAL FUNDS			85,883	86,632	
GENERAL FUNDS			1353,817	1371,092	
OTHER FUNDS			8,014	8,047	
TOTAL			1447,714	1465,771	
TOTAL			12349,574	12394,535	
ESTIMATED SOURCE OF FUNDS FOR					
RESOURCES AND ECONOMIC DEVELOPMENT					
FEDERAL FUNDS			149,502	150,980	
GENERAL FUNDS			11541,554	11635,743	
OTHER FUNDS			658,518	607,812	
TOTAL			12349,574	12394,535	
03 RESOURCE PROTECTION AND DEVELOPMENT					
04 WATER RESOURCES BOARD					
01 WATER RESOURCES DIVISION					
01 WATER RESOURCES BOARD					
STRIKE OUT					
90 GROUND WATER RESOURCES					
					53,000

AMENDMENTS TO	PAGE	25	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
D3 RESOURCE PROTECTION AND DEVELOPMENT D4 WATER RESOURCES BOARD D5 WETLANDS BOARD					
(CONT.) (CONT.) (CONT.)					
STRIKE OUT 00 BENEFITS INSECT IN PLACE THEREOF INSECT BENEFITS STRIKE OUT 70 IN-STATE TRAVEL INSERT IN PLACE THEREOF 70 IN-STATE TRAVEL TOTAL ESTIMATED SOURCE OF FUNDS FOR WETLANDS BOARD STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL TOTAL ESTIMATED SOURCE OF FUNDS FOR WATER RESOURCES BOARD GENERAL FUNDS OTHER FUNDS TOTAL					
				10,520 15,003 1,000 4,000 120,355	10,835 15,645 1,000 4,000 120,788
				80,646 120,355 120,355 1221,037	80,310 120,788 120,788 1188,681
				797,172 423,865 1221,037	759,790 428,891 1188,681
D3 RESOURCE PROTECTION AND DEVELOPMENT D5 WATER POLLUTION COMMISSION D6 OIL POLLUTION CONTROL					
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT INSERT IN PLACE THEREOF 10 PERSONAL SERVICES - PERMANENT STRIKE OUT 20 CURRENT EXPENSES					
				121,623 80,146 24,700	125,494 81,696 25,000

AMENDMENTS TO		PAGE	26	04/17/85	----- FISCAL YEAR 1986 -----		----- FISCAL YEAR 1987 -----	
(CONT.) (CONT.) (CONT.)								
03 RESOURCE PROTECTION AND DEVELOPMENT 05 WATER POLLUTION COMMISSION 06 OIL POLLUTION CONTROL								
INSERT IN PLACE THEREOF 20 CURRENT EXPENSES 20,000 20,000 STRIKE OUT 30 EQUIPMENT 6,520 5,000 INSERT IN PLACE THEREOF 30 EQUIPMENT 5,000 5,000 STRIKE OUT 60 BENEFITS 30,770 32,374 INSERT IN PLACE THEREOF 60 BENEFITS 22,889 23,833 STRIKE OUT 70 IN-STATE TRAVEL 11,500 11,500 INSERT IN PLACE THEREOF 70 IN-STATE TRAVEL 7,500 7,500 TOTAL 194,805 197,631								
ESTIMATED SOURCE OF FUNDS FOR OIL POLLUTION CONTROL STRIKE OUT 09 AGENCY INCOME 254,383 258,970 INSERT IN PLACE THEREOF 09 AGENCY INCOME 194,805 197,631 TOTAL 194,805 197,631								
03 RESOURCE PROTECTION AND DEVELOPMENT 05 WATER POLLUTION COMMISSION 08 LABORATORY DIVISION								
STRIKE OUT 91 INSERT IN PLACE THEREOF 91 TRANSFER TO NHQA 57,615 57,615 TOTAL 270,568 267,006 TOTAL 16538,806 16870,988								

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03 RESOURCE PROTECTION AND DEVELOPMENT
05 WATER POLLUTION COMMISSION
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR		
WATER POLLUTION COMMISSION		
FEDERAL FUNDS	2203,907	2226,549
GENERAL FUNDS	12505,658	12815,394
OTHER FUNDS	1829,241	1829,045
TOTAL	16538,806	16870,988

03 RESOURCE PROTECTION AND DEVELOPMENT
06 AIR RESOURCES
02 TECHNICAL SERVICES AND MONITORING

ESTIMATED SOURCE OF FUNDS FOR		
TECHNICAL SERVICES AND MONITORING		
STRIKE OUT		
GENERAL FUND	499,230	504,799
INSERT IN PLACE THEREOF	499,230	504,799
FEDERAL FUNDS	562,230	504,799
TOTAL	813,992	758,368

TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
AIR RESOURCES		
FEDERAL FUNDS	499,230	504,799
GENERAL FUNDS	279,015	217,588
OTHER FUNDS	35,747	35,981
TOTAL	813,992	758,368

37437,231

TOTAL	37202,013	
ESTIMATED SOURCE OF FUNDS FOR		
RESOURCE PROTECTION AND DEVELOPMENT		
FEDERAL FUNDS	3789,288	3816,917
GENERAL FUNDS	25123,399	25028,515
FISH AND GAME	3841,267	4297,940
OTHER FUNDS	3977,357	3893,859
TOTAL	37202,013	37437,231

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

AMENDMENTS TO PAGE 28 04/17/85
HB0400

(CONT.)

03 RESOURCE PROTECTION AND DEVELOPMENT

04 TRANSPORTATION

03 PUBLIC WORKS AND HIGHWAYS

03 PROJECT DEVELOPMENT

04 MATCHING FUNDS

03 SECONDARY

ESTIMATED SOURCE OF FUNDS FOR

SECONDARY

STRIKE OUT

INSERT HIGHWAY FUND REQUIRED MATCH

INSERT IN PLACE THEREOF

FEDERAL FUNDS

TOTAL

1901,400	1901,400	1901,400
1901,400	1901,400	1901,400
2281,680	2281,680	2281,680

04 TRANSPORTATION

03 PUBLIC WORKS AND HIGHWAYS

03 PROJECT DEVELOPMENT

04 MATCHING FUNDS

07 RAILROAD GRADE CROSSING

ESTIMATED SOURCE OF FUNDS FOR

RAILROAD GRADE CROSSING

STRIKE OUT

INSERT HIGHWAY FUND REQUIRED MATCH

INSERT IN PLACE THEREOF

FEDERAL FUNDS

TOTAL

752,000	752,000	752,000
752,000	752,000	752,000
752,000	752,000	752,000
66277,378	66277,378	66277,378

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

MATCHING FUNDS

FEDERAL FUNDS

HIGHWAY FUNDS

TOTAL

60917,413	60917,413	60917,413
5359,965	5359,965	5359,965
66277,378	66277,378	66277,378

TOTAL

100268,892

101074,298

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

AMENDMENTS TO	PAGE	29	C4/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
<p>HB3400</p> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p>					
<p>Q4 TRANSPORTATION.</p> <p>Q3 PUBLIC WORKS AND HIGHWAYS</p> <p>Q3 PROJECT DEVELOPMENT</p>					
<p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>PROJECT DEVELOPMENT</p> <p>FEDERAL FUNDS</p> <p>HIGHWAY FUNDS</p> <p>TOTAL</p>					
			60917,413	60917,413	
			39351,479	10156,885	
			100268,892	101074,298	
			193127,993	194678,917	
<p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>PUBLIC WORKS AND HIGHWAYS</p> <p>FEDERAL FUNDS</p> <p>GENERAL FUNDS</p> <p>HIGHWAY FUNDS</p> <p>OTHER FUNDS</p> <p>TOTAL</p>					
			61723,513	61777,195	
			1064,590	1060,995	
			125903,261	127028,320	
			4406,629	4812,407	
			193127,993	194678,917	
			214805,588	214552,366	
<p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>TRANSPORTATION</p> <p>FEDERAL FUNDS</p> <p>GENERAL FUNDS</p> <p>HIGHWAY FUNDS</p> <p>OTHER FUNDS</p> <p>TOTAL</p>					
			63573,513	63577,195	
			1664,506	1750,535	
			125903,261	127028,320	
			23664,308	22196,316	
			214805,588	214552,366	
<p>Q5 HEALTH AND SOCIAL SERVICES</p> <p>Q1 HEALTH STATE COUNCIL ON AGING</p> <p>Q4 TRAVEL FOR ACTION</p>					
<p>STRIKE OUT</p> <p>90 CONTRACTS & GRANTS</p> <p>INSERT IN PLACE THEREOF</p> <p>90 CONTRACTS & GRANTS</p> <p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>TRAVEL FOR ACTION</p>					
			49,600	50,000	
			64,500	64,500	
			70,165	70,275	

AMENDMENTS TO	PAGE	30	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
<p>05 HEALTH AND SOCIAL SERVICES 01 N.H. STATE COUNCIL ON AGING 04 TRAVEL FOR ACTION</p>					
(CONT.)					
(CONT.)					
<p>STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL</p>					
			55,265		55,775
			70,165		70,275
			70,165		70,275
<p>TOTAL</p>					
			6211,431		6303,489
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR N.H. STATE COUNCIL ON AGING</p>					
<p>FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL</p>					
			5675,541		5774,125
			505,463		495,300
			30,427		34,064
			6211,431		6503,489
<p>05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND HUMAN SERVICES 01 HEALTH AND HUMAN SERVICES COMMISSIONER 03 ALCOHOL AND DRUG ABUSE PREVENTION 02 TREATMENT & PREVENTION - STATE</p>					
<p>STRIKE OUT 07 COMMUNITY PROGRAMS INSERT IN PLACE THEREOF 07 COMMUNITY PROGRAMS</p>					
			629,000	539,123	
			629,000	639,123	
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR TREATMENT & PREVENTION - STATE</p>					
			847,627		861,826
<p>STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL</p>					
			507,876		414,816
			507,876		514,816
			847,627		861,826
<p>TOTAL ESTIMATED SOURCE OF FUNDS FOR ALCOHOL AND DRUG ABUSE PREVENTION</p>					
			2355,007		2366,883

AMENDMENTS TO	PAGE	31	C4/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
(CONT.) 05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND HUMAN SERVICES 01 HEALTH AND HUMAN SERVICES COMMISSIONER 03 ALCOHOL AND DRUG ABUSE PREVENTION (CONT.)					
FEDERAL FUNDS			1037,880		1037,880
GENERAL FUNDS			927,376		933,993
OTHER FUNDS			389,751		398,010
TOTAL			2355,007		2566,883
TOTAL			3098,407		3126,533
ESTIMATED SOURCE OF FUNDS FOR					
HEALTH AND HUMAN SERVICES COMMISSIONER					
FEDERAL FUNDS			1459,417		1467,422
GENERAL FUNDS			1249,239		1261,101
OTHER FUNDS			389,751		398,010
TOTAL			3098,407		3126,533
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES					
02 DIVISION OF PUBLIC HEALTH SERVICES					
04 FAMILY AND COMMUNITY HEALTH					
02 MATERNAL AND CHILD HEALTH					
STRIKE OUT				1863,714	
92 GRANTS				1915,714	
INSERT IN PLACE THEREOF					
92 GRANTS					2586,308
TOTAL			2583,081		
ESTIMATED SOURCE OF FUNDS FOR					
MATERNAL AND CHILD HEALTH					
STRIKE OUT				1045,922	1063,144
GENERAL FUND				1097,922	1115,144
INSERT IN PLACE THEREOF				2583,081	2586,308
GENERAL FUND					11180,588
TOTAL			11141,033		
TOTAL			7728,750		7737,743
ESTIMATED SOURCE OF FUNDS FOR					
FAMILY AND COMMUNITY HEALTH					
FEDERAL FUNDS					

AMENDMENTS TO H80400 PAGE 32 04/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

05 HEALTH AND SOCIAL SERVICES (CONT.)
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONT.)
02 DIVISION OF PUBLIC HEALTH SERVICES (CONT.)
04 FAMILY AND COMMUNITY HEALTH

GENERAL FUNDS	2952,845	2994,638
OTHER FUNDS	459,438	448,207
TOTAL	11141,033	11180,588
TOTAL	20472,180	20443,306
ESTIMATED SOURCE OF FUNDS FOR		
DIVISION OF PUBLIC HEALTH SERVICES		
GENERAL FUNDS	9567,714	9491,960
OTHER FUNDS	8427,804	8488,566
TOTAL	2476,682	2482,780
TOTAL	20472,180	20443,306

05 HEALTH AND SOCIAL SERVICES
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES
03 DIVISION FOR CHILDREN AND YOUTH SERVICES
02 BUREAU OF CHILDREN

STRIKE OUT

THE TWELVE NEW SOCIAL WORKER I POSITIONS INCLUD
ED IN THIS CLASS LINE SHALL BE USED ONLY FOR
CHILD PROTECTIVE SERVICES. THE DIVISION FOR
CHILDREN AND YOUTH SERVICES SHALL REPORT QUAR-
TERLY TO THE FISCAL COMMITTEE CONCERNING CHILD
PROTECTIVE SERVICES CASELOADS.*****

INSERT IN PLACE THEREOF

THE TWELVE NEW SOCIAL WORKER I POSITIONS INCLUD
ED IN THIS CLASS LINE SHALL BE USED ONLY FOR
CHILD PROTECTIVE SERVICES. THE DIVISION FOR
CHILDREN AND YOUTH SERVICES SHALL REPORT QUAR-
TERLY TO THE FISCAL COMMITTEE CONCERNING CHILD
PROTECTIVE SERVICES CASELOADS.

05 HEALTH AND SOCIAL SERVICES
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES
04 DIVISION OF HUMAN SERVICES
04 SUPPORT OPERATIONS
01 ADMINISTRATION

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION

AMENDMENTS TO	PAGE	33	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
HB0400					
05 HEALTH AND SOCIAL SERVICES (CONT.)					
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES (CONT.)					
04 DIVISION OF HUMAN SERVICES (CONT.)					
04 SUPPORT OPERATIONS (CONT.)					
01 ADMINISTRATION					
STRIKE OUT					
GENERAL FUND REQUIRED MATCH		22,089		14,749	
INSERT IN PLACE THEREOF		22,089		14,749	
FEDERAL FUNDS		1600,063		1613,579	
TOTAL				10147,193	
TOTAL		10004,716			
ESTIMATED SOURCE OF FUNDS FOR					
SUPPORT OPERATIONS		4888,364		4935,828	
FEDERAL FUNDS		3450,452		3522,465	
GENERAL FUNDS		1665,900		1686,900	
OTHER FUNDS		10004,716		10147,193	
TOTAL			185172,000		186,30,814
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF HUMAN SERVICES		105049,953		104,021,131	
FEDERAL FUNDS		47724,047		50119,362	
GENERAL FUNDS		32398,000		33790,321	
OTHER FUNDS		185172,000		188530,814	
TOTAL			317217,795		325,680,137
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF HEALTH AND HUMAN SERVICES		125470,977		124,937,666	
FEDERAL FUNDS		154745,894		162365,483	
GENERAL FUNDS		37000,924		38377,318	
OTHER FUNDS		317217,795		325860,137	
TOTAL			325,661,564		334,428,399
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
HEALTH AND SOCIAL SERVICES		131583,518		131161,771	
FEDERAL FUNDS		156120,387		163913,948	
GENERAL FUNDS		37957,659		39352,680	
OTHER FUNDS		325661,564		334,428,399	
TOTAL					

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HBJ40C

05 HEALTH AND SOCIAL SERVICES

(CONT.)

06 EDUCATION				
03 BOARD OF EDUCATION				
01 ADMINISTRATION AND SUPPORT				
02 OFFICE OF COMMISSIONER-STATE				
STRIKE OUT	500			500
50 OTHER PERSONAL SERVICES				
INSERT IN PLACE THEREOF	10,500			500
50 OTHER PERSONAL SERVICES				
STRIKE OUT	34,171			35,108
60 BENEFITS				
INSERT IN PLACE THEREOF	34,881			35,108
60 BENEFITS				
STRIKE OUT	3,500			3,500
70 IN-STATE TRAVEL				
INSERT IN PLACE THEREOF	5,500			3,500
70 IN-STATE TRAVEL				
TOTAL	444,931			443,779
ESTIMATED SOURCE OF FUNDS FOR				
OFFICE OF COMMISSIONER-STATE				
STRIKE OUT				
GENERAL FUND	314,354			325,912
INSERT IN PLACE THEREOF	327,064			325,912
GENERAL FUND	444,931			443,779
TOTAL		1821,053		1732,349
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
ADMINISTRATION AND SUPPORT				
FEDERAL FUNDS		316,134		322,482
GENERAL FUNDS		1069,008		978,358
OTHER FUNDS		435,911		431,509
TOTAL		1821,053		1732,349
06 EDUCATION				
03 BOARD OF EDUCATION				
02 FINANCIAL AIDS				
01 FINANCIAL AIDS TO DISTRICTS-STATE				
STRIKE OUT				
90 FOUNDATION AID	5484,399			5484,399

----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

AMENDMENTS TO	PAGE	35	04/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
HB040C					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
02 FINANCIAL AIDS					
01 FINANCIAL AIDS TO DISTRICTS-STATE					
INSERT IN PLACE THEREOF				16384,399	16384,399
90 FOUNDATION AID					29998,067
TOTAL				29899,711	
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AIDS TO DISTRICTS-STATE					
STRIKE OUT				11186,411	11282,567
GENERAL FUND				22086,411	22182,567
INSERT IN PLACE THEREOF				29899,711	29998,067
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
02 FINANCIAL AIDS					
03 SPECIAL INITIATIVES PROGRAM					
STRIKE OUT					
90 EXCELLENCE AND THE GIFTED & TA F				1365,204	
INSERT IN PLACE THEREOF				150,000	
90 GOVERNOR'S STEERING COMMITTEE G					
STRIKE OUT				1365,204	
91 EXCELLENCE AND TEACHERS F					
INSERT IN PLACE THEREOF					1296,391
91 EXCELLENCE AND THE GIFTED & TA G					
STRIKE OUT				1773,606	
92 EXCELLENCE AND CURRICULUM F					
INSERT IN PLACE THEREOF					1296,391
92 EXCELLENCE AND TEACHERS G					
INSERT					1728,522
93 EXCELLENCE AND CURRICULUM G					
TOTAL				150,000	4321,304
ESTIMATED SOURCE OF FUNDS FOR					
SPECIAL INITIATIVES PROGRAM					
STRIKE OUT				4484,014	
GENERAL FUND					

AMENDMENTS TO	PAGE	36	C4/17/85	----- FISCAL YEAR 1986 -----	----- FISCAL YEAR 1987 -----
<div style="text-align: center;">(CONT.)</div>					
06 EDUCATION					
03 BOARD OF EDUCATION					
02 FINANCIAL AIDS					
03 SPECIAL INITIATIVES PROGRAM					
<div style="text-align: center;">(CONT.)</div>					
<div style="text-align: center;">INSERT IN PLACE THEREOF</div>					
GENERAL FUND			150,000	4321,304	
TOTAL			150,000	4321,304	
TOTAL			31903,711		36209,371
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AIDS					1890,000
FEDERAL FUNDS			1854,000		26503,871
GENERAL FUNDS			2236,411		7815,500
OTHER FUNDS			7813,500		36209,371
TOTAL			31903,711		
TOTAL				88248,086	92481,541
ESTIMATED SOURCE OF FUNDS FOR					
BOARD OF EDUCATION					

AMENDMENTS TO HB0400 PAGE 37 04/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----

06 EDUCATION (CONT.)
03 BOARD OF EDUCATION (CONT.)

FEDERAL FUNDS	38896,709	39732,029
GENERAL FUNDS	40313,161	43696,312
OTHER FUNDS	9038,216	9033,200
TOTAL	88248,086	92481,541
TOTAL	284762,812	299513,755
ESTIMATED SOURCE OF FUNDS FOR		
EDUCATION		
GENERAL FUNDS	41171,788	42025,485
GENERAL FUNDS	91947,776	10006,483
GENERAL FUNDS	151623,248	152421,867
OTHER FUNDS	284762,812	299513,755
TOTAL		

AMENDMENTS TO HB0400 PAGE 38 04/17/85 ----- FISCAL YEAR 1986 ----- FISCAL YEAR 1987 -----
STATE SUMMARY

TOTAL	127406,160	155871,554
ESTIMATED SOURCE OF FUNDS FOR		
FEDERAL FUNDS	280671,397	281859,543
GENERAL FUNDS	453794,097	474023,511
HIGHWAY FUNDS	125903,261	127028,320
FISH AND GAME	4341,769	4297,940
OTHER FUNDS	262695,636	268692,240

Amendment to HB 400

Amend the bill by striking out section 1.08.

Amend section 19 of the bill by striking out same and inserting in place thereof the following:

19 Personal Services Limitation.

I. Other provisions of law notwithstanding, the total number of permanent classified positions for any department or agency for the biennium ending June 30, 1987, shall be limited to the number of full-time and permanent classified positions authorized as of June 30, 1985, reduced according to paragraph II, plus such new positions as are authorized by the general court.

II. The total number of positions authorized shall be reduced by the number of positions which have been vacant for the entire period of the 60 days immediately preceding:

(a) June 30, 1985, for all agencies and departments except as provided in subparagraph (b); or

(b) May 31, 1985, for instructional personnel at the technical institute and the vocational-technical colleges.

III. For the purposes of this section, the term "vacant" shall not include the position of any person on approved leave, paid or unpaid.

IV. The executive head of the department or agency shall determine which positions shall be filled within the limitations of the appropriations for the department or agency, and the personnel classifications as authorized in this act, and the numerical limitations imposed by this section.

Amendment to HB 400

V. With respect to agencies having an authorized complement of 5 permanent classified positions or less, the authorized number of positions shall not be reduced under this section. The provisions of this section shall not apply to the veterans' home, or to the New Hampshire hospital. (Source. GB20, HB19*, HA19*)

Amend the bill by striking out all after section 39 and inserting in place thereof the following:

40 Appropriation to Water Supply and Pollution Control Commission. There is hereby appropriated to the water supply and pollution control commission the sum of \$200,000 for the biennium ending June 30, 1987, to be used only for laboratory equipment necessary for the proper functioning of the commission's laboratory. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. (Source. HA40)

41 Extend Lapse Date. Amend 1985, 4:1, III by striking out said paragraph and inserting in place thereof the following:

III. Department of resources and economic development-	
division of parks	
20 Current expenses	\$ 17,500
50 Other personal services	107,500
90 Preparation for fiftieth anniversary of the	\$190,000*
state parks system	
Estimated source of funds for division of parks	
General Fund	\$315,000

*This appropriation shall not lapse until June 30, 1987. (Source. HA41)

Amendment to HB 400

42 Contingent Appropriation to Port Authority.

I. Subject to the limitation in paragraph II, the following amounts are hereby appropriated to the New Hampshire port authority for the fiscal years ending June 30, 1986, and June 30, 1987:

	<u>FY 1986</u>	<u>FY 1987</u>
10 Personal services - permanent	\$20,806	\$21,937
20 Current expenses	500	500
60 Benefits	3,953	4,278
70 In-state travel	<u>3,750</u>	<u>3,750</u>
Total	\$29,009	\$30,465

II. The sums appropriated in paragraph I are appropriated only to the extent that federal funds do not continue to be available for the purposes of the port authority as enumerated in paragraph I. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated, subject to the limitation set forth in this paragraph. (Source. HA42)

43 Ratification Required for Fiscal Year 1987. The appropriations and related matters for fiscal year 1987 that appear in section 1 of this act shall take effect only upon the ratification by both the house and the senate through the passage of a separate bill introduced in the 1986 legislative session to make any amendments and to accomplish such ratification. (Source. HA43)

Amendment to HB 400

44 Salary Increase.

I. The sums of \$22,853,879 in general funds, \$7,108,534 in highway funds, \$409,530 in fish and game funds, \$5,648,376 in federal funds, and \$1,528,703 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1986, and June 30, 1987, for salary increases for classified, unclassified, judicial and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds at the time the certification is made pursuant to paragraph II.

II. The terms of any negotiated agreement between the state negotiating committee and the state employee organization certified as the state employees' representative shall be presented to the comptroller upon the adoption of such an agreement. The appropriation made by this section shall be distributed among all classified, unclassified, judicial and legislative employees in the same manner, as determined by the state negotiating committee, and shall include all additional cost items. The appropriation authorized by this section shall take effect when the comptroller certifies to the governor and council that an agreement has been reached. The comptroller shall certify the terms of the agreement to the director of legislative services. The director of legislative services is hereby directed to change the salary schedules and tables and introductory paragraphs in RSA 94:1-a, RSA 99:1-a and RSA 491-A:1 to reflect the increases provided for in this section, and said schedules and tables and paragraphs are hereby so amended commencing on the appropriate date. (Source. HA44)

Amendment to HB 400

45 Certification of Funds. Whenever the chairman of senate finance and the chairman of house appropriations are required to certify that sufficient funds are available either jointly or separately and such chairmen have not been named, the presiding officers of the senate and house either jointly or separately, as the case may be, shall be authorized to cause payment of expenses incurred until the chairmen of the committees are appointed.

(Source. HB43, HA45)

46 Estimates of Unrestricted Revenue.

GENERAL FUND	1986	1987
Beer	11,600,000	13,300,000
Board & Care	17,200,000	16,100,000
Business Profits Tax	90,000,000	93,300,000
Estate & Legacy Taxes	12,000,000	11,800,000
Insurance	19,900,000	19,800,000
Interest & Dividends Tax	26,000,000	26,700,000
Liquor	45,500,000	46,000,000
Meals and Rooms Taxes	60,200,000	67,900,000
Parks Income	4,200,000	4,200,000
Dog Racing	7,300,000	7,283,000
Thoroughbred Racing	1,550,000	1,537,500
Harness Racing	125,000	131,000
Real Estate Transfer Tax	13,500,000	15,600,000
Telephone	9,500,000	10,000,000
Tobacco	33,000,000	33,900,000

Amendment to HB 400

	1986	1987
Utilities	6,000,000	6,500,000
Other	28,350,000	33,349,729
Courts	14,700,000	15,300,000
Savings Bank Tax	6,700,000	8,000,000
TOTAL	407,325,000	430,701,229

	1986	1987
HIGHWAY FUND		
Gasoline Road Toll	68,528,772	70,219,795
Motor Vehicle Fees	37,585,730	37,900,136
Miscellaneous	1,078,504	1,371,400
TOTAL	107,193,006	109,491,331

	1986	1987
FISH AND GAME FUND		
Fish and Game Licenses	3,500,000	3,550,500
Fines and Penalties	41,500	43,000
Miscellaneous Sales	142,550	144,600
Indirect Costs	170,000	180,000
TOTAL	3,854,050	3,918,100

(Source. GB39, HB44, HA46*)

47 Effective Date. This act shall take effect July 1, 1985.

Rep. Kidder explained the Committee amendment.

Amendment adopted.

Reps. Rounds and Chambers offered an amendment.

Amendment

Amend section 1.04030209 of the bill by striking out same and inserting in place thereof the following:

09 Litter pick-up		
90 Operating expenses	750,000	750,000
Total	750,000	750,000
Estimated source of funds		
for Litter pick-up		
General fund	750,000	750,000
Total	750,000	750,000

The Clerk read the amendment.

Reps. Rounds explained the amendment.

Rep. Chambers spoke in favor of the amendment.

Rep. Kidder spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Reps. Rounds and Chambers offered an amendment.

Amendment

Amend section 44 of the bill by striking out same and inserting in place thereof the following:

44 Salary Increase.

I. The sums of \$22,853,879 in general funds, \$7,108,534 in highway funds, \$409,530 in fish and game funds, \$5,648,376 in federal funds, and \$1,528,703 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1986, and June 30, 1987, for salary increases for classified, unclassified, judicial and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds at the time the certification is made pursuant to paragraph II.

II. The terms of any negotiated agreement between the state negotiating committee and the state employee organization certified as the state employees' representative shall be presented to the comptroller upon the adoption of such an agreement. The appropriation made by this section shall be distributed among all classified, unclassified, judicial and legislative employees in the same manner, as determined by the state negotiating committee, and shall include all additional cost items; provided, however, that no salary increase shall be given under this section for the fiscal year ending June 30, 1986, to any member of the judicial branch whose salary is set by RSA 491-A:1. The appropriation authorized by this section shall take effect when the comptroller certifies to the governor and council that an agreement has been reached. The comptroller shall certify the terms of the agreement to the director of legislative services. The director of legislative services is hereby directed to change the salary schedules and tables and introductory paragraphs in RSA 94:1-a, RSA 99:1-a and RSA 491-A:1 to reflect the increases provided for in this section, and said schedules and tables and paragraphs are hereby so amended

commencing on the appropriate date.
(Source. HA44)

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Rounds explained the amendment.

Reps. Chambers and Ramsay spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Rep. Daniell offered an amendment.

Amendment

Amend the bill by inserting before the effective date section the following new section and renumbering as necessary:

____ Limitation on Salary Increases for Supreme Court Justices. Other provisions of law notwithstanding, the chief justice and associate justices of the supreme court shall, for fiscal years 1986, 1987, and 1988, be limited to a maximum salary increase of 10 percent per fiscal year.

The Clerk read the amendment.

Rep. Daniell explained the amendment and yielded to questions.

Rep. Matson spoke against the amendment.

Rep. Ramsay requested the amendment be read a second time.

Rep. Ramsay spoke against the amendment. Amendment lost.

Question now being on the Committee report as amended.

Rep. Daniell spoke against the Committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 237 NAYS 104

YEAS 237

BELKNAP: Birch, Bolduc, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, Hounsell, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Davis, Daniel Eaton, Irvin Gordon, Grodin, Matson, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Hutchings, Michael King, Wayne King, LaMott, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Beaupre, Robert, Blanchette, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Chagnon, Champagne, Chretien, Cote, Cronin, William Dion, Donovan, Dupont, Dwyer, Dykstra, Joseph Eaton, Nancy Ford, Scott Green, Marian Harrington, Herod, Holden, Humphrey, Chris Jacobson, Michael Jones, Keefe, Kelley, Knight, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Pariseau, Parmenter, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Sylvia, Van Loan, Wagner, M. Arnold Wight, Winn and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Lewis, Millard, Nichols, Pannell, Pantzer, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Gerald R. Smith, Wallner, West and James Whittemore.

ROCKINGHAM: Bangs, Benton, Blaisdell, Blanchard, William Boucher, Burdick, Case, Champoux, Connors, Conroy, Day, Emanuelson, Goss, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Magoon, Malcolm, Robert Mason, McCain, McKinney, Newman, Pantelakos, Parr, Popov, Quimby, Romoli, Sanderson, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Vartanian, Vaughn, Walker and Warburton.

STRAFFORD: Bates, Berkey, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, O'Brien, Parks, Francis Robinson, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Disnard, Paul Johnson, Lindblade, McKee, Meghan, Normandin, Schotanus, Spaulding and Sara Townsend.

NAYS 104

BELKNAP: Brough, Brown, Dexter, Golden, Jensen and Matthew Locke.

CARROLL: Gene Chandler, Dickinson and Olimpio.

CHESHIRE: Arnott, Burley, Crane, Delano, Elmer Johnson, Morse, Ridge, Secord and Young.

COOS: Brungot, Harold Burns and Lamontagne.

GRAFTON: Blair and McAvoy.

HILLSBOROUGH: Arnold, Barry, Bourdon, John Burns, Leslie Burns, Charron, Cox, Ducharme, Duperron, Durant, Fields, Fried, Gagnon, Hendrick, Hogan, Hyman, Jasper, George Jones, Labombarde, Levesque, Lozeau, Martin, Howard Mason, McCue, Nute, Paquette, Perham, Frances Riley, Sallada, Shriver, B. P. Smith, Stonner, Tamposi, Turgeon, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Worthen.

MERRIMACK: Cate, Connolly, Daniell, George Gordon, Arthur Locke, Phelps, Roberts, Shepard and Stio.

ROCKINGHAM: Lawrence Chase, Clay, Ellyson, Felch, Harry Flanders, Bert Ford, Beverly Gage, Haynes, Roger King, Mace, Nagel, Palumbo, Raynowska, Norman Rogers, Rosencrantz, Scamman, Schwane and Welch.

STRAFFORD: Bernard, Donnelly, Lussier, Pelley, Spear and Ralph Torr.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram and Rodeschin. and HB 400 was ordered to third reading.

Rep. Ottolini notified the Clerk that she inadvertently voted yea and meant to vote nay.

Reps. Kinhan, Thomas Gage and Woodward notified the Clerk that they wished to be recorded in favor of HB 400 as amended.

Rep. Scamman notified the Clerk that he wished to have the following remarks recorded in the Journal:

If this budget is extended into the next biennium, with no new programs, and no new pay raises, the next Legislature will have to raise 50-60 million dollars of new taxes each year.

Rep. Palumbo notified the Clerk that he wished to have the following remarks recorded in the Journal:

I am against HB 400 for the following reasons:

strongly opposed the BPT level of 8.75% to partially fund the following items: \$23.5 M funding level for HB 4-FN is too much, too fast; a sum between \$12-18 M would be more appropriate;

\$8.5 M further funding for mental health programs again is too much, too fast, considering the generous increase in the total mental health program offered by the Governor;

The additional \$5 M cost to the state as a part of the overall retirement package and the appropriate \$12 M cost to be passed on to cities and towns over the biennium.

HB 352-FN, authorizing the office of state planning to undertake a study of the coastline erosion problems and making an appropriation therefor. Ought to Pass.

The money appropriated in this bill is matched 4 - 1 by the Federal Government. The Committee felt that this was a worthwhile project and voted 16-0. Rep. John E. Burns for Appropriations.

Ordered to third reading.

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester. Ought to Pass.

This bill completes a commitment of the 1983 legislature to construct the on ramp at Granite Street in Manchester. Vote 16-3. Rep. Lee Anne Steiner for Appropriations.

Ordered to third reading.

HB 398-FN, relative to mandatory mediation and making an appropriation therefor. Ought to Pass.

This bill establishes a pilot mediation program in a designated county to be chosen by the Chief Justice of Superior Court. Its objective is to attempt to mediate divorce actions involving custody or visitation of a minor child. A recommendation report is due no later than January 1, 1988. Vote 15-2. Rep. Rowland Schmidthchen for Appropriations.

Ordered to third reading.

HB 416-FN, making an appropriation to increase the amount allocated for shelter costs in the AFDC grant and to allow consolidation to one shelter maximum and one basic maintenance allowance table. Inexpedient to Legislate.

Although in agreement on the difficulties AFDC families have in finding adequate shelter, the Committee was divided on whether HB 416-FN would have an effect justifiable in terms of its \$2,000,000 appropriation. As a Committee priority the bill was voted Inexpedient, 11-10. Rep. John J. Kane for Appropriations.

Rep. Diamant moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Scott Green and Bonnie Packard spoke in favor of the motion.

Rep. Hager spoke in favor of the motion and yielded to questions.

Reps. Kane and Spaulding spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Diamant requested a division.

134 members having voted in the affirmative and 206 in the negative, the motion lost.

Resolution adopted.

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control

program; relative to rulemaking authority of the office of waste management; and making an appropriation therefor. Ought to Pass with Amendment.

The amendment removes the appropriation but makes no changes in the policy Committee decision. Vote 15-5. Rep. Lee Anne Steiner for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program.

Amend the bill by striking out section 9 and renumbering sections 10 and 11 to read as follows:

9 and 10, respectively

Amendment adopted.

Ordered to third reading.

HB 446-FN, relative to catastrophic aid to school districts and making an appropriation therefor. Ought to Pass with Amendment.

The amendment reduces the original amount in the bill \$250,000 each year to assist those school districts who may qualify for emergency assistance for special education costs. If these funds are not used for emergency purposes, they may be used to assist school districts in meeting catastrophic cost increases. Vote 14-7. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to catastrophic aid to school districts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Catastrophic Funds Increased. Amend RSA 186-C:18, III (supp) as inserted by 1981, 352:2 as amended by striking out said paragraph and inserting in place thereof the following:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner shall distribute aid available under this paragraph to such school districts as have a special education pupil for whose costs they

are responsible, for whom the costs of special education exceed \$9,000 in a fiscal year. The amount to be distributed to a school district under this paragraph shall be determined through the following formulae:

$$(a) \frac{\text{State equalized valuation per pupil}}{\text{District equalized valuation per pupil}} \times 2 \quad X$$

$$\frac{(\text{Cost of catastrophic aid students in district})}{\text{District catastrophic aid factor}} = \frac{\text{District catastrophic aid factor}}{\text{District catastrophic aid factor}}$$

$$(b) \frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} \times (\text{Catastrophic aid = appropriation})$$

District catastrophic aid share

provided that the amount of catastrophic aid for a district requiring such aid shall be not more than 80 percent of catastrophic costs exceeding \$9,000 per pupil for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formulae established in paragraph II. The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the \$9,000 sum which must be exceeded to be eligible for aid under this paragraph and any sums in excess of the \$9,000. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped children, it shall not receive catastrophic funds for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

2 Appropriation. In addition to any other sums appropriated for the purposes of RSA 186-C:18, III, there is hereby appropriated to the department of education the sum of \$250,000 for each of the fiscal years ending June 30, 1986, and June 30, 1987, for the purposes of RSA 186-C:18, III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Ordered to third reading.

HB 456-FN, relative to a forgivable loan program and making an appropriation therefor. Ought to Pass.

A majority of the Committee felt this was one positive way of encouraging talented students to enter the teaching profession. Vote 10-9. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor. Ought to Pass with Amendment.

The amended bill addresses the main concerns of the select veterans committee. The Committee reduced the funding and it is only for one fiscal year. The two priorities of the select committee which are vitally needed can be carried out to assist in the areas recommended. All veterans of all conflicts are eligible for the programs. Vote 16-3. Rep. William Matson for Appropriations.

Amendment

Amend RSA 115-A:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

115-A:1 Purpose. To provide continuing financial aid to address the needs of the veterans and their dependents or survivors in the state and to continue, when required, bonuses previously paid from the Vietnam veterans' bonus fund, the general court deems it in the best interest of the state to establish a program for these causes.

Amend RSA 115-A:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

115-A:4 Roster. The adjutant general shall from time to time prepare a roster of the names of residents of the state who have qualified for bonus payments under RSA 115-A:3, and shall certify the same and prepare a manifest to authorize the state treasurer to make payment from funds not otherwise appropriated. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend RSA 115-A:8 as inserted by section 1 of the bill by striking out same and renumbering RSA 115-A:9 to read as follows:

115-A:8

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Veterans Programs. The sum of \$100,000 is hereby appropriated to the legislative fiscal committee for the fiscal year ending June 30, 1986, to fund veterans programs pursuant to RSA 115-A:2, VIII. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor. Ought to Pass.

This bill allows all interest on late rooms and meals tax payments received during the previous fiscal year to be distributed to the New Hampshire Commission on the Arts to help support the "Grants" program, "Artist in the Schools" program and "Touring" program. The Committee supports the concept that the tourist industry benefits from the efforts and attractions of the arts in New Hampshire, and the economic benefit derived from the arts is substantial. Vote 11-10. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

HB 466-FN, relative to highway billboards, off and on premise signs. Ought to Pass.

The financial impact of this bill will add revenue to the general fund. The policy of this legislation was not addressed by the Appropriations Committee. Vote 11-8. Rep. John Burns for Appropriations.

Ordered to third reading.

HB 476-FN, relative to the health services competition law and making an appropriation therefor. Ought to Pass with Amendment.

This bill is a first step in containing health care by consolidating the Health Policy Advisory Committee with the Certificate of Need Review Board, our giving them the data with which health care costs can be contained. The Committee amendment lowers the budgeted amount for initial design work and the cost is incurred by providers. Vote 15-6. Rep. Edward D. Densmore for Appropriations.

Amendment

Amend RSA 151-C:15, I as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee of up to 1/10 of one percent of their previous year's revenue minus contractual allowances or, if a new facility, up to 1/10 of one percent of their projected first year revenue minus contractual allowances. The total amount collected shall not exceed \$400,000 per year, to be prorated at the end of each fiscal year among all acute care hospitals, specialty hospitals, and nursing homes licensed under RSA 151.

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Appropriation. There is hereby appropriated to the division of public health services the sum of \$400,000 for the fiscal year ending June 30, 1986, and the sum of \$400,000 for the fiscal year ending June 30, 1987, for the purpose of carrying out this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program. Ought to Pass with Amendment.

This bill appropriates \$500,000 for fiscal year 1986 and \$500,000 for fiscal year 1987 to the New Hampshire Incentive Program for the purposes of awarding grants and loan incentives to New Hampshire students with financial need. Vote 14-7. Rep. Joanne O'Rourke for Appropriations.

Amendment

Amend the bill by striking out section 7, paragraph I and inserting in place thereof the following:

I. The sum of \$500,000 for the fiscal year ending June 30, 1986, and the sum of \$500,000 for the fiscal year ending June 30, 1987, are hereby appropriated to the New Hampshire incentive program for the purposes of awarding grants and loan incentives as authorized in RSA 188-D:10-13-b. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 480-FN, creating the north country development foundation. Ought to Pass with Amendment.

This bill establishes a development foundation to promote economic development of the three northern counties. The Committee felt this is long overdue support for the north country. The amendment reduces the appropriation by \$100,000. Vote 13-6. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. The sum of \$150,000 is hereby appropriated for the biennium ending June 30, 1987, to the north country development foundation to be allocated for the purposes of this act in the following manner:

Salaries	\$ 30,000
Benefits	6,000
Office expenses	4,000
North country revolving loan fund	87,500
North country marketing program	12,500
Education and training project	5,000
Research and data base development	5,000
Total	\$150,000

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 513-FN, establishing an interdepartmental coordination system between the department of education and the department of health and human services. Ought to Pass.

The majority of the Committee felt this bill was needed to require these two departments to work together to coordinate the delivery of services to emotionally handicapped children. Vote 10-9. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 737-FN, increasing the salaries for certain employees of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

This bill, as amended, simply inserts the Post-Secondary Vocational-Technical System Deputy Commissioner, Presidents and Deans, into the unclassified system as intended by HB 53 of the 1983 Legislative Session. HB 53 removed these positions from the classified category and they were inadvertently not placed in the unclassified system. Vote 20-2. Rep. Joanne O'Rourke for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Deputy, Presidents, Deans. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting the following:

I. In group Q, the deputy commissioner of postsecondary vocational-technical education.

II. In group P, the president of the technical institute and the presidents of the vocational-technical colleges.

III. In group M, deans of the technical institute and the vocational-technical colleges.

2 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Ordered to third reading.

HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

The bill addresses necessary changes previously overlooked in HB 53 of the 1983 Legislative session concerning the Post-Secondary Vocational-Technical System. The amendment removes the sections dealing with budgeting and clarifies the allocation of Federal Funds. Vote 16-5. Rep. Joanne O'Rourke for Appropriations.

Amendment

Amend RSA 188-F:5, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The commissioner shall appoint a deputy commissioner with the approval of the board of governors. The deputy commissioner shall serve at the pleasure of the board.

Amend RSA 188-F:8 and 9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

188-F:8 Presidents of the Institute and Colleges. The commissioner shall, subject to approval by the board of governors, appoint a president of the technical institute and presidents of the 6 technical colleges. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of governors.

188-F:9 Deans. The president of each institution of the department shall appoint deans, with the approval of the commissioner. The deans shall be reviewed annually by the presidents and shall serve at the pleasure of the presidents.

Amend RSA 188-F:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

188-F:14 Budgeting. The department shall submit an operating budget based on

program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. However, the board of governors is authorized to transfer funds between line items within any budgetary unit. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.

Amend RSA 188-F:20 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:
188-F:20 Federal Funds.

I. The state board of education shall be the primary recipient of federal funds provided under the Vocational Education Act of 1963. The board of education shall each year provide the department of postsecondary technical education with a percentage of the total funds available under that act equal to the percentage of such funds allocated to the division of postsecondary education and its institutions as of January 1, 1985. The commissioner of education and the commissioner of postsecondary technical education shall cooperate in the development of applications for such funds.

II. The state board of education acting as the state board for vocational technical education shall be the primary recipient of federal funds provided under the Carl Perkins vocational education act of 1984. The state board, shall, each year, provide the department of postsecondary technical education with funds available under the Titles I-IV of the act and subsequent amendments to the act. The department of postsecondary technical education shall jointly plan with the department of education for the expenditure of funds in the New Hampshire state plan for vocational education. The commissioner of postsecondary technical education and the commissioner of education shall cooperate in the development of applications for such funds.

Amend the bill by striking out sections 2 and 3 and renumbering sections 4-8 to read as 2, 3, 4, 5 and 6, respectively.

Amendment adopted.

Ordered to third reading.

HB 743, establishing a general fund balance sheet reserve account. Inexpedient to Legislate.

This bill would have established a special non-lapsing general fund balance sheet reserve account of up to 6% of budget surplus of unrestricted revenue in the previous year. The Appropriations Committee felt that passage of HB 743 at this time

complicates several financial issues facing the state. Under consideration for the 1986-1987 budget is adoption of General Accepted Accounting Practices (GAAP); funding for HB 400; funding of HB 4 (Foundation aid); and establishing a final figure on the estimated surplus at the end of fiscal year 1985. The most opportune time to deal with a reserve fund would be after these issues are resolved. Vote 17-5. Rep. Margaret A. Ramsay for Appropriations.

Resolution adopted.

HB 748-FN, increasing the salaries of state employees in academic positions. Ought to Pass.

These salary increases would correct severe inequities in academic employee pay scales which have caused a severe morale problem. Vote 12-10. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

HB 760-FN, relative to retirement benefits for certain group II permanent policemen, the return of the accumulated contributions of group I and group II members of the retirement system, and group II member and employer contributions relative to FICA payments. Ought to Pass with Amendment.

This bill will make it possible for the Director of the Police Standards and Training Council to recruit group II employees. At the present time the position calls for group I status, but requires five years of law enforcement work (group II). There has been difficulty in finding qualified persons willing to move from group II to group I to fill the positions.

The amendment removes the reference to group II status for the Commissioner and Deputy Commissioner of Safety. The Committee felt that any change in this area should be considered in separate legislation. Vote 13-7. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Police Officer Serving as Field Representative of Police Standards and Training Council or as Commissioner of Safety. Amend RSA 100-A:3 by inserting after paragraph VII the following new paragraphs:

VIII. Any permanent policeman who has been so employed continuously for 10 years or more and who has been a group II member of the New Hampshire retirement system for that same period and who becomes a field representative for or the director of the police standards and training council shall continue to be a group II member of the retirement system while so employed. If a permanent policeman remains with the police standards and training council as a field representative or as the director

until he retires, he shall be considered to have retired as a group II member of the New Hampshire retirement system, and he shall receive all the service retirement, disability retirement, or ordinary death benefits to which he or his beneficiary is entitled.

IX. If any current group II member of the retirement system is not exempt from the provisions of the Federal Insurance Contributions Act, then both the member contribution and the employer contribution to the retirement system shall be reduced by the amount of the employee and employer payments, respectively, to FICA. Each year during which both the member contribution and the employer contribution group II payments to the retirement system and payments to FICA are made shall be considered a full year of creditable group II service for the purpose of determining retirement eligibility under the provisions of this chapter, but shall be considered a reduced portion of a creditable year, with the reduction being in the same proportion as the reduction in total member and employer contributions to the retirement system, for the purposes of determining the amount of retirement benefits.

Amendment adopted.

Ordered to third reading.

HB 787-FN, relative to retirement.
Ought to Pass with Amendment.

The amendment to HB 787-FN removed the section from the bill dealing with ". . . every teacher who retired before July 1, 1985, who was in service prior to July 1, 1950, but who was not in service on July 1, 1950 . . ." This section would have given them this additional creditable service. However, the testimony from the New Hampshire Retirement System and their actuary indicated that the teachers special account did not contain the necessary \$2.6 M to fund this additional benefit. Vote 15-4 (2 abstentions). Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Funding. Funding for the purposes of this act shall be as follows:

I. The sum of \$82,100,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 1 of this act.

II. The sum of \$2,821,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 2 of this act.

III. The sum of \$665,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 3 of this act.

IV. The sum of \$2,200,000 for the fiscal year ending June 30, 1986, shall be

available from the special account created by 1983, 469:146 for the purposes of section 4 of this act.

V. The sum of \$6,478,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 5 of this act.

7 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until January 1, 1986, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

8 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Ordered to third reading.

HCR 10, expressing the intent of the legislature to enact the state operating budget annually. Ought to Pass.

This concurrent resolution expresses the Legislature's intent to enact the state operating budget annually in conformance with the intention of the 1984 constitutional amendment establishing annual legislative sessions. Vote 12-8. Rep. Margaret A. Ramsay for Appropriations.

Ordered to third reading.

HB 284, relative to the Winnepesaukee river flood protection project and making an appropriation therefor. Inexpedient to Legislate.

This bill addresses the need which requires further study by the Corps of Engineers. It is the intention of the Committee to pass on the floor that the bill be Referred for Interim Study. Vote 19-0. Rep. Lee Anne Steiner for Appropriations.

Rep. James J. White moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Kidder spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 391, establishing an east-west toll road from Route I-393 in Concord to the Spaulding Turnpike in Dover and making an appropriation therefor. Ought to Pass with Amendment.

To ensure that the highest level of citizen input is considered this select committee will be formed to review the proposed toll road. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Rep. LaMott moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Motion adopted.

Referred for Interim Study.

HB 532-FN, relative to the judicial retirement system and judicial compensation. Ought to Pass with Amendment.

This bill provides for adjustments of judicial salaries and additional service increments. It allows judges the option of early retirement at reduced compensation. The reduction rate is the same as the rate used for state employees. The judges will also be contributing to the general fund at a rate of 6.1%. These funds will off-set to some extent their new retirement benefits. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend RSA 490:2, II-b as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II-b. A justice of the supreme court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

Amend RSA 491:2, II-b as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

II-b. A justice of the superior court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

Amend RSA 491-A:1, II as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

Amend RSA 491-A:1, IV as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1985.

Amend RSA 491-A:1, II as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court

prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

Amend RSA 491-A:1, IV as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1986.

Amend RSA 491-A:1, II as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

Amend RSA 491-A:1, IV as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1987.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 New Judicial Salary Schedule; Retirement Contribution Required. Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:
491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$74,000
Associate justices, supreme court	\$72,500
Chief justice, superior court	\$72,000
Associate justices, superior court	\$70,500
District court justices prohibited from practice pursuant to RSA 502-A:21	\$70,500
Probate judges	\$17,325

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21,

there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

III. The salaries listed in paragraph I shall be adjusted to reflect any salary increases given to judicial employees.

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1988, and for each fiscal year thereafter.

Amend RSA 502-A:6-a, III-b as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

III-b. A justice whose rights have vested under paragraph III-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

Rep. George Gordon moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Ellyson spoke in favor of the motion and yielded to questions.

Reps. Gross, Rounds and Ramsay spoke against the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Welch requested a roll call. Sufficiently seconded.

Rep. Champagne abstained from voting under Rule 16.

(Speaker presiding)

YEAS 136 NAYS 203

YEAS 136

BELKNAP: Bolduc, Brough, Brown, Dexter, Golden, Jensen and Matthew Locke.

CARROLL: Ashnault and Gene Chandler.

CHESHIRE: Arnott, Blacketor, Burley, Delano, Daniel Eaton, Elmer Johnson, Morse, Ridge, Schwartz, Secord, Thompson and Young.

COOS: Brungot, Harold Burns, Chappell, Horton, Lamontagne and Theriault.

GRAFTON: Bean, Bennett, Christy, Driscoll, McAvoy and Stewart.

HILLSBOROUGH: Barry, Beaupre, Bourdon, John Burns, Leslie Burns, Charron, Cronin, William Dion, Ducharme, Duperron, Dupont, Durant, Dwyer, Fried, Gagnon, Scott Green, Hendrick, Herod, Hyman, George Jones, Levesque, Howard Mason, McCue, Elizabeth Moore, Nute, Paquette, Paradis, Perham, Pressly, Shriver, B. P. Smith, Stonner, Mary Sullivan, Tamposi, Vanderlosk, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Worthen and Zis.

MERRIMACK: Barberia, Connolly, Daniell, George Gordon, Mary Holmes, Alf Jacobson,

Arthur Locke, Pannell, Phelps, Roberts, Walter Robinson, Shepard, Gerald R. Smith and Stio.

ROCKINGHAM: Benton, Burdick, Lawrence Chase, Clay, Conroy, Ellyson, Felch, Harry Flanders, Bert Ford, Haynes, Phyllis Katsakiores, Roger King, Longworth, Mace, Malcolm, McKinney, Palumbo, Raynowska, Norman Rogers, Romoli, Rosencrantz, Schwaner, Seward, Sherburne, Simon, Splaine, Stachowske, Warburton and Welch.

STRAFFORD: Berkey, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frechette, Lussier, Pelley, Henry Sullivan, Swope, Ralph Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Domini, Ingram, Mehegan and Rodeschin.

NAYS 203

BELKNAP: Birch, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Hounsell, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Crane, Davis, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Scranton and William Sullivan.

COOS: Brideau, Chardon, Coulombe, Frederic Foss, Guay, Marsh, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Blair, Chambers, Copenhaver, Crory, Densmore, Hutchings, Michael King, Wayne King, LaMott, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Robert Blanchette, Boisvert, Bourque, Boutwell, Bridgewater, Burkush, Carragher, Chagnon, Chretien, Cote, Cox, Donovan, Dykstra, Joseph Eaton, Nancy Ford, Marian Harrington, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, Keefe, Kelley, Knight, Labombarde, Lozeau, Martin, McGlynn, Messier, Morrissette, Murphy, Nelson, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Pariseau, Parmenter, Fellow, Raiche, Reardon, Ellen-Ann Robinson, Sallada, Leonard Smith, Sylvia, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, M. Arnold Wight and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Fraser, Gilbreth, Gross, Hager, Hayes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pantzer, Rehlander, Linwood Rogers, Savaria, Wallner and West.

ROCKINGHAM: Bangs, Blaisdell, Blanchard, William Boucher, Case, Champoux, Connors, Day, Emanuelson, Goss, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Krasker, Lovejoy,

Magoon, McCain, Nagel, Newman, Pantelakos, Parr, Popov, Quimby, Sanderson, Scamman, Schmidchen, Skinner, Sloan, Sochalski, Sytek, Vartanian, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Patricia Foss, Robert Jones, Keans, Kincaid, O'Brien, Bruce Packard, Parks, Francis Robinson, Spear, Ann Torr and Franklin Torr.

SULLIVAN: Call, Disnard, Paul Johnson, Lindblade, McKee, Normandin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Rep. John Burns notified the Clerk that he inadvertently voted yea and meant to vote nay.

Question now being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 517-FN, relative to forfeiture of items used in connection with drug offenses. Ought to Pass with Amendment.

Enactment of this bill will broaden the scope of property which may be seized, if it is involved with a felonious violation of the Controlled Drug Act. It further creates a fund from which government agencies may apply for grants to off set their overtime expenses as a result of drug investigations. Vote 17-0. Rep. Michael B. King for Appropriations.

Amendment

Amend RSA 318-B:17-b, IV as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter. Such proceedings shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 30 days of the return date on said petition. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. At the hearing the court shall hear evidence and

make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final orders shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale. All outstanding recorded liens on said items or property interest seized shall be paid in full upon conclusion of the court proceedings. Any balance remaining after the sale of the seized items or property interests, up to an amount not to exceed \$20,000, shall be deposited in a drug forfeiture fund, administered by the office of the attorney general pursuant to RSA 318-B:17-c, and is hereby continually appropriated to the drug forfeiture fund; provided, however, that no more than \$20,000 shall be deposited in the fund in any fiscal year. All sums remaining after deposits in the drug forfeiture fund equal \$20,000 shall be credited to the general fund.

Amend RSA 318-B:17-c, I and II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established within the office of the state treasurer a special fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay in the following order of priority the costs of:

- (a) local drug-related investigations;
- (b) county drug-related investigations;
- (c) state drug-related investigations;
- (d) drug control law enforcement programs within New Hampshire, including those programs administered by the office of alcohol and drug abuse prevention.

II. Law enforcement agencies may apply to the office of the attorney general for grants from the drug forfeiture fund. Such grants shall be limited to reimbursement for overtime expenditures for personnel expenses.

Amendment adopted.

Rep. Sytek offered an amendment.

Amendment

Amend RSA 318-B:17-b, IV as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

IV. The attorney general may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition

shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter. Such proceedings shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception. The court shall issue orders of notice to all persons who may have an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 30 days of the return date on said petition. At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. At the hearing the court shall hear evidence and make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal. Such final orders shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale. All outstanding recorded liens on said items or property interest seized shall be paid in full upon conclusion of the court proceedings. Any balance remaining after the sale of the seized items or property interests, up to an amount not to exceed \$35,000, shall be deposited in a drug forfeiture fund, administered by the office of the attorney general pursuant to RSA 318-B:17-c, and is hereby continually appropriated to the drug forfeiture fund; provided, however, that no more than \$35,000 shall be deposited in the fund in any fiscal year. All sums remaining after deposits in the drug forfeiture fund equal \$35,000 shall be credited to the general fund.

Amend RSA 318-B:17-c, II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

II. Law enforcement agencies may apply to the office of the attorney general for grants from the drug forfeiture fund. Such grants shall be limited to reimbursement for overtime expenditures for personnel expenses and extraordinary expenses actually associated with drug-related investigations, which have received the approval of the attorney general prior to being incurred.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sytek explained the amendment.

Rep. Michael King spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

COMMITTEE OF CONFERENCE REPORT

HB 78, relative to resident commercial salt water license. (Report printed SJ 4/23)

Rep. Albert Dionne moved that the House adopt the report.

Report adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 30 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 4-FN, establishing a new formula for distributing foundation aid to school districts, and making an appropriation therefor, and continuing the rate of the real estate transfer tax.

HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor.

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor.

HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor.

HB 259-FN, providing an evaluation of state route 101A corridor in the Nashua region and making an appropriation therefor.

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor.

HB 327, relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike.

HB 353, relative to rehabilitation of certain rail lines and making an appropriation therefor.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor.

HB 421-FN, relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children.

HB 434-FN, relative to missing children and making an appropriation therefor.

HB 436-FN, relative to a study on the construction of a cloverleaf intersection at

exit 9 on the Spaulding turnpike and making an appropriation therefor.

HB 442-FN, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor.

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor.

HB 445-FN, appropriating funds for local probation services and relative to the duties of the select commission to study a unified court system.

HB 478-FN, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses.

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor.

HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year.

HB 486-FN, authorizing the board of governors to lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties.

HB 517-FN, relative to forfeiture of items used in connection with drug offenses.

HB 532-FN, relative to the judicial retirement system and judicial compensation.

HB 600, making appropriations for capital improvements.

HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds.

HB 632-FN, establishing a printed materials revolving fund at the department of education.

HB 651-FN, relative to screening for long term care.

HB 655-FN, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance.

HB 694-FN, relative to welfare changes and making an appropriation therefor.

HB 704-FN, requiring the state treasurer to report annually to the legislature about early debt redemption.

HB 721-FN, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 734-FN, relative to child support enforcement.

HB 352-FN, authorizing the office of state planning to undertake a study of the coastline erosion problems and making an appropriation therefor.

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester.

HB 398-FN, relative to mandatory mediation and making an appropriation therefor.

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987.

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program; relative to rulemaking authority of the office of waste management; and making an appropriation therefor.

HB 446-FN, relative to catastrophic aid to school districts.

HB 456-FN, relative to a forgivable loan program and making an appropriation therefor.

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor.

HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor.

HB 466-FN, relative to highway billboards, off and on premise signs.

HB 476-FN, relative to the health services competition law and making an appropriation therefor.

HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program.

HB 480-FN, creating the north country development foundation.

HB 513-FN, establishing an interdepartmental coordination system between the department of education and the department of health and human services.

HB 737-FN, increasing the salaries for certain employees of the department of postsecondary vocational-technical education.

HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education.

HB 748-FN, increasing the salaries of state employees in academic positions.

HB 760-FN, relative to retirement benefits for certain group II permanent policemen, the return of the accumulated contributions of group I and group II members of the retirement system, and group II member and employer contributions relative to FICA payments.

HB 787-FN, relative to retirement.

HCR 10, expressing the intent of the legislature to enact the state operating budget annually.

INTRODUCTION OF GUESTS

Mary Beth and Daniel Blanchard, guests of Rep. Blanchard.

The Speaker addressed the House briefly.

I'd like to take this opportunity, if I might, to pay tribute to the House Appropriations Committee, to Chairman, Bill Kidder, and all the members who over these last several days have been doing work on behalf of this House, acting not only on the operating budget and presenting it in a most open and full manner, and a very clear manner to the House, but also working on

nearly 100 legislative specials--100 bills that this House had previously acted upon and sent to Appropriations. They've labored night, weekends, and have done the work of this house. And, the House today responded most favorably to the dedication and hard work and the good homework that the Appropriations Committee has done. I think that the whole House owes those 23 people who have been working on our behalf a round of applause. The pay isn't too good, but we think a lot of you.

Rep. Rounds moved that the Speaker's remarks be printed in the Journal.
Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of referrals and Enrolling Reports only.
Adopted.

The House recessed at 3:30 p.m.

RECESS

(Rep. Nichols in the Chair)

ENROLLED BILLS AMENDMENTS

HB 272, relative to mortgages.

Amendment

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Repeal. RSA 479:4, relative to priority, is hereby repealed.

This amendment inserts the phrase "is hereby repealed," which was inadvertently omitted.

Reps. Guay and Ingram moved that the amendment be adopted.

HB 205, repealing statutes affecting an agency that has been sunsetted.

Amendment

Amend RSA 17-G:7, II as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

17-G:7, I for any agency to wind up its affairs, the sunset committee

Amend paragraph V of section 2 of the bill by striking out line one and inserting in place thereof the following:

V. RSA 363-C, relative to the legislative utility consumers' council.

Reps. Guay and Ingram moved that the amendment be adopted.
Adopted.

ENROLLED BILLS REPORT

HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy.

SB 100, reinstating the charter of the Golden Rule Farm Homes Association.

HB 25, recodifying RSA title XL and relocating certain RSA chapters.

HB 47, relative to living wills.

HB 66, eliminating the exception of insurance from certain provisions of the Administrative Procedure Act and excepting the bank commissioner from certain provisions of the Administrative Procedure act.

HB 102, relative to sunset review of the daily number game.

HB 125, relative to sunset review of pari-mutuel laboratories.

HB 179, allowing the sale of liquor in railway dining cars stopped at terminals and extending the period during which private clubs may hold events for private groups until 1987.

HB 187, relative to antitrust liability of municipalities in planning and zoning.

HB 193, relative to the Rockingham county jail.

HB 199, authorizing the position of assistant county attorney for Carroll county.

HB 248, relative to the community development block grant program.

HB 407, allowing towns to regulate tattooing facilities.

Rep. Natalie S. Flanagan
Sen. Mark Hounsell
For the Committee.

RECESS

(Rep. Robert Hawkins in the Chair)

SENATE MESSAGE REQUESTS CONCURRENCE

SB 30-FN, relative to regulatory boards and commissions.

SB 128-FN, relative to public assistance.

SB 197-FN, making appropriations to the sire stakes program.

SB 144-FN, establishing a victim's assistance program and a STOP-DWI program, funded through \$100 reinstatement fees to be paid by certain persons who have had their driver's licenses revoked.

SB 119-FN, establishing a missing child register.

SB 42-FN, to phase out the interest and dividends tax.

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor.

Rep. Splaine offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 30, 128, 197, 144, 119, 42, 8 and 83, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 30-FN, relative to regulatory boards and commissions. (Executive Departments and Administration)

SB 128-FN, relative to public assistance. (Health and Human Services)

SB 197-FN, making appropriations to the sire stakes program. (Appropriations)

SB 144-FN, establishing a victim's assistance program and a STOP-DWI program, funded through \$100 reinstatement fees to be paid by certain persons who have had their driver's licenses revoked. (Transportation)

SB 119-FN, establishing a missing child register. (Children, Youth and Elderly Affairs)

SB 42-FN, to phase out the interest and dividends tax. (Ways and Means)

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority. (Resources, Recreation and Development)

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor. (Public Works)

RECESS

(Rep. Roberts in the Chair)

SENATE MESSAGE
CONCURRENCE

HB 441-FN, relative to simulcast racing.

ENROLLED BILLS REPORT

HB 441, relative to simulcast racing.

Rep. Natalie S. Flanagan
Sen. Mark Hounsell
For the Committee.

RECESS

(Rep. Rounds in the Chair)

Rep. Chardon moved that the House adjourn.

Adopted.

HOUSE JOURNAL 20

Tuesday, 30 Apr 85

(Rep. Rounds in the Chair)

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Rep. Rounds.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We thank You for this day, O God. Forgive us when we allow ourselves to be depressed by many duties or inadequate thoughts. Teach us that we can always rely upon You and Your precious promises. Forgive us when we would rather run away from decisions. You have given us minds and the freedom to use them. Help us today to be about the task of building a state where a high quality of life is available to all. Amen.

Rep. Warburton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Kohl, Ames, Boisvert, Anderson and Crane, the day, illness.

Reps. Tufts, Bourque, Marilyn Campbell, Edward Flynn, Anita Flynn, Hendrick, Labombarde, Popov, Simon, Whiting, Benjamin Moore, Thomas Gage, Frew, Ralph Torr, Titone and Palumbo, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Mrs. Joyce York, guest of Rep. York; Sandra Lamontagne, wife of Rep. Lamontagne; Lisa Levesque, guest of Rep. Hogan; 4th grade students, their teachers and chaperons, from the Masticola Elementary School, Merrimack, guests of the Merrimack Delegation.

THREE-LEGISLATIVE DAY EXTENSIONS

Rep. Sytek moved that the Committee on Judiciary be granted a three-legislative day extension on SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding, SB 16, relative to the statute of limitations for personal actions, and SB 20, adopting the uniform transfers to minors act.

Granted.

SENATE MESSAGES CONCURRENCE

HB 28, relative to bridges and bridge aid.

HB 451, relative to fees charged by the wetlands board and making an appropriation for dam inspection.

HB 497-FN, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person.

HB 347-FN, relative to the current use tax.

HB 286, relative to the minimum wage for youths.

HCR 3, to encourage reduced billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances.

HB 418-FN, relative to motor vehicle registration fees.

HB 301, relative to the state committee on mosquito control.

HB 294, relative to the Nashua Airport authority.

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison.

HB 627-FN, relative to the emergency medical service coordinating board and limiting liability of persons providing emergency telephone and radio communications.

HB 490, relative to the pharmacy board and amending the controlled drug act.

HB 622-FN, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments.

HB 266, authorizing the department of safety to join the international registration plan.

HB 313, relative to the workers' compensation advisory council.

HB 590, relative to the counsel for the department of employment security and the department's representation in court.

HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal.

HB 135-FN, relative to sunset review of forestry and land resources.

HB 174-FN, allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights.

HB 322-FN, eliminating the filing fee for charitable trusts when the market value of trust property is less than \$10,000.

HB 275, removing double damages for injuries by dogs.

HB 238, providing that certain emergency vehicles be exempt from length and weight requirements.

HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains.

HB 592, creating a study committee to review methods of funding and the

catastrophic costs of special education and to make recommendations therefor.

HB 382, requiring school administrative unit superintendents to prepare annual school budgets.

HB 429, appropriating funds for participation in the federal groundwater mapping program.

HB 358, relative to driver's license revocations under the implied consent law.

HB 166, relative to the definition of antique gambling machine.

HB 362, relative to restitution.

HB 360, relative to the penalty for escape from a house of correction.

HB 171, relative to assaults by prisoners.

HB 371, to restore the curative statute for deeds defectively witnessed.

HB 295, relative to school district boundaries in Canterbury and Concord.

NONCONCURRENCE

HB 567, providing to school districts access to court records of certain educationally handicapped children.

HB 215-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

HB 246, relative to state contract approval.

HB 196, relative to runners upon public ways.

HB 221, relative to replacement or new highway signs.

HB 203-FN, establishing a study committee to evaluate microwave asphalt concrete road repair.

HB 588, requiring school districts to send in an annual report of revenues and expenditures and repealing the penalty for their failure to make a timely report.

HB 59, to prohibit blind bidding on motion pictures.

CONCURRENCE WITH AMENDMENT

SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 146-FN, relative to sunset review of the New Hampshire distributing agency. (Amendment printed SJ 4/23)

Rep. Ward moved that the House concur. Adopted.

HB 709, creating a privilege for certain victims and their counselors. (Amendment printed SJ 4/25)

Rep. Sytek moved that the House concur. Adopted.

HB 540, establishing a committee to recodify the state's labor laws. (Amendment printed SJ 4/23)

Rep. Skinner moved that the House concur. Adopted.

HB 412, allowing Newmarket to separate from school administrative unit Number 14. (Amendment printed SJ 3/25)

Rep. William Boucher moved that the House concur.

Adopted.

HB 573, relative to class II highways and naming a bridge in Hopkinton for Leroy R. Kimball. (Amendment printed SJ 4/23)

Rep. Bibbo moved that the House concur. Adopted.

HB 109-FN, relative to sunset review of the division of vocational technical education. (Amendment printed SJ 4/25)

Rep. William Boucher moved that the House nonconcur and appoint a Committee of Conference.

The Speaker appointed Reps. William Boucher, Taffe, Keefe and Bolduc.

NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money.

The President appointed Sens.

Charbonneau, Bartlett and Stephen.

Rep. Quimby moved that the House accede. Adopted.

The Chair appointed Reps. Quimby, Crory, Lindblade and Frederic Foss.

ENROLLED BILLS AMENDMENT

HB 96, amending certain planning and zoning statutes.

Amendment

Amend section 9 of the bill by striking out in line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in line 3 the word

Amend section 10 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in line 2 the word

Amend section 11 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in line 2 the word

Amend section 12 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in lines 2 and 8 the word

Amend section 13 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in line 2 the word

Amend section 14 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in lines 14 and 16 the

Amend section 15 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out said section and

Amend section 16 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out in lines 2 and 3 the word

Amend section 17 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1981, 87:1 by striking out said section and

Amend RSA 676:17, II(a) as inserted by section 25 of the bill by striking out line 2 and inserting in place thereof the following:

person; or

This amendment corrects typographical errors in the amending language of sections 9-17 of the bill. The amendment also corrects a grammatical error in RSA 676:17, II(a) as inserted by section 25 of the bill.

Adopted.

Rep. Chardon moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 136 was removed at the request of Rep. Nichols.

SB 116 was removed at the request of Rep. George Gordon.

SB 167 was removed at the request of Rep. Krasker.

COMMITTEE REPORTS (Consent Calendar)

SB 75, relative to parking spaces for any commercial enterprise. Inexpedient to Legislate.

The Committee felt the problem addressed by this bill was a matter that should be left to home rule. Vote 15-0. Rep. B. P. Smith for Commerce, Small Business and Consumer Affairs.

SB 152, to establish the method of assessing time share interests. Ought to Pass.

This bill provides that time share interests in condominium units and other time share interests shall be assessed

as if each unit were owned by a single taxpayer. The prices paid for each time share interest shall not be a factor in determining the assessed value of the unit. The Department of Revenue Administration is in strong support and all testimony was in favor. This piece of legislation will eliminate confusion under existing law as to whether multiple tax bills must be mailed out to the individual owners of time share interests. Vote 12-0. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

SB 150, relative to the location of polling places in cities. Inexpedient to Legislate.

There were six sponsors of this bill. No one testified at the Committee hearing. The Committee believes that this issue can be best decided at the municipal level. Vote 11-0. Rep. Beverley B. Bryant for Constitutional and Statutory Revision.

SB 101, prohibiting the capturing and releasing of deer in certain areas of the state. Inexpedient to Legislate.

The Fish and Game Department realizes its mistakes and there is no need for this bill. Vote 15-0. Rep. Milton A. Cate for Fish and Game.

SB 137-FN, relative to bear hunting. Inexpedient to Legislate.

Whereas the bill has merit and addresses a problem, the Committee feels this matter should be addressed by the Fish and Game Department at this time, under another bill (HB 422) which was passed earlier in this session. Vote 15-0. Rep. Milton G. Jensen for Fish and Game.

SB 35, relative to medical review committee reports. Ought to Pass with Amendment.

This bill modifies the confidentiality provisions relative to Medical Review Committee proceedings. Furthermore, this bill is the result of a recommendation of the Governor's Blue Ribbon Committee last year. Vote 16-0. Rep. Gladys M. Cox for Health and Human Services.

Amendment

Amend RSA 329:29 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

329:29 Proceedings of Medical Review Committee. All proceedings, records, findings and deliberations of medical review committees of a duly established county or state medical society or of any such committees of the board of registration in medicine are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding. The manner in which a medical review committee and each member thereof deliberates, decides or votes on any matter submitted to it is likewise confidential and

privileged and shall not be the subject of inquiry in any other proceeding. A medical review committee may provide information to a hospital committee organized to evaluate matters relating to the care and treatment of patients or to reduce morbidity and mortality, in accordance with RSA 151:13-a, and subject to the privileges and immunities set forth in that section.

SB 184-FN, establishing a task force to study the problem of indigent care in New Hampshire. Ought to Pass with Amendment.

This is a pro-active bill to deal with a big question in the health care area - what is the extent of the problem of health care for indigent persons? The Committee unanimously agrees that the problem deserves a task force study. Vote 21-0. Rep. Elizabeth S. Hager for Health and Human Services.

Amendment

Amend the bill by striking out paragraphs VII and VIII of section 2 and inserting in place thereof the following:

VII. One member from the business community, to be appointed by the governor and council.

VIII. One member from the labor industry, to be appointed by the governor and council.

SB 110, establishing a committee for judicial excellence. Refer for Interim Study.

The Committee supports the concept of judicial review, but feels that this bill should be broader. It will be considered along with HB 76, dealing with the same subject, which has already been sent to study. Vote 12-0. Rep. Beverly A. Hollingworth for Judiciary.

SB 84, relative to the municipal records board. Ought to Pass.

This bill updates the procedure of the Municipal Records Board, the Board shall meet at the call of the Chairman, but not less than once every 2 calendar years. Vote 18-0. Rep. George M. West for Municipal and County Government.

SB 87, legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative and the obligations imposed by the agreement. Ought to Pass.

This bill legalizes the Concord regional solid waste resource recovery cooperative agreement and exempts the cooperating municipalities under this agreement from antitrust liability. Vote 16-1. Rep. George M. West for Municipal and County Government.

SB 113, relative to inventory blanks. Ought to Pass with Amendment.

This measure will save some money for those municipalities wishing to employ its provisions. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Hand Delivery Permitted. Amend RSA 74:5 as amended by striking out said section and inserting in place thereof the following:

74:5 Distribution. The selectmen or assessors shall cause inventory blanks to be mailed, postage prepaid, to the last known address of all persons and corporations known or believed to own taxable property in their towns and cities or, alternatively, to be hand delivered by such means as the selectmen or assessors shall deem convenient and legally sufficient. Either method of distribution shall occur on or before March 25 of each year.

SB 133, relative to eligibility for financial assistance from towns. Ought to Pass.

The Committee agreed that this bill made legal practices already used by Welfare Directors and the bill was an agreement between Welfare Directors and legal assistance. Vote 19-0. Rep. Robert H. Day for Municipal and County Government.

SB 158-FN, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period. Ought to Pass.

Consent of full Committee that action on this bill was clear and concise. A necessary housekeeping procedure for the transition of Derry from municipal government to mayor and council. Vote 17-0. Rep. Paul A. Golden for Municipal and County Government.

SB 176, allowing city councils to establish penalties for the violation of municipal codes. Inexpedient to Legislate.

The Committee determined that action on this bill should be handled on a local basis. The vehicle already exists to facilitate enforcement of the existing laws. Vote 17-0. Rep. Robert H. Day for Municipal and County Government.

SB 178-FN, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days. Ought to Pass.

The Committee feels an increase in fees for the counties is necessary because of the increased cost of the services of sheriffs and deputies. Vote 17-0. Rep. Beverly A. Gage for Municipal and County Government.

SB 179, relative to appointed county budget committees. Inexpedient to Legislate.

Senate Bill 179 would create a new body to consider county budgets if by referendum the county votes approval. This new board would be less democratic and less representative than the present system. There could be less cooperation between the County Commissioners and the proposed body than now exists. There appears to be, in this legislation, no

call for cooperation with the county legislative body. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

SB 192-FN, relative to collection procedures for municipal utilities. Ought to Pass.

This bill provides three methods of collecting municipal utility bills. Vote 18-2. Rep. George M. West for Municipal and County Government.

SB 210, permitting the use of a separate ballot for proposed zoning amendments. Ought to Pass with Amendment.

This bill provides an option for municipalities to employ a separate ballot for land use questions. The amendment makes the measure compatible with HB 96. Vote 20-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the bill by striking out sections one, 2 and 3 and inserting in place thereof the following:

1 Separate Ballot for Adopting and Amending Zoning Ordinance, Historic District Ordinance, and Building Code. Amend RSA 675:2, I (supp) as inserted by 1983, 447:1 by striking out said paragraph and inserting in place thereof the following:

I. In cities or in towns operating under the town council form of government, the local legislative body shall determine the manner in which a zoning ordinance, historic district ordinance, or a building code is established and amended; provided, however, that any question concerning the establishment and amendment of a zoning ordinance, historic district ordinance, or a building code may be placed on a ballot separate from the ballot used to elect city or town officers.

2 Separate Ballot for Proposed Zoning Ordinance, Historic District Ordinance, and Building Code Amendment. Amend RSA 675:3, VII (supp) as inserted by 1983, 447:1 by striking out said paragraph and inserting in place thereof the following:

VII. If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by having the town or village district clerk prepare an official ballot separate from the official ballot used to elect town or village district officers which shall include the following question, or by including the following question on the official ballot as prepared by the town or village district clerk:

"Are you in favor of the adoption of the zoning ordinance, historic district ordinance, or building code (or amendment to the existing town (village district) zoning ordinance, historic district ordinance, or building code) as proposed by the planning board?" In the event that there shall be more than a single proposed amendment to be

submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. _____ as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance or building code) as follows: (Here insert topical description of substance of amendment.?)" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated; and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may likewise prepare a special ballot separate from the ballot used to elect town or village district officers for the use of voters in voting on the question. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

3 Separate Ballot for Proposed Zoning Ordinance, Historic District Ordinance, and Building Code Amendment. Amend RSA 675:4, III and IV (supp) as inserted by 1983, 447:1 by striking out said paragraphs and inserting in place thereof the following:

III. Each petitioned amendment shall be placed on a ballot which may be separate from the ballot used to elect town or village district officers. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description. Any petitioned question receiving an affirmative vote of a majority of the legal voters present and voting shall be adopted, except as provided in RSA 675:5.

IV. The town or village district clerk shall include each question on a petitioned amendment on the appropriate official or special ballot, or separate official ballot, in the same manner as provided in paragraph III and in RSA 675:3, VII.

SB 32-FN, an omnibus bill relative to public protection. Ought to Pass with Amendment.

The Department of Safety omnibus bill contains 4 items of a minor housekeeping nature, on which no comment is offered. Those items which are herewith explained: (a) the minimum age for operation of a motor boat on public waters, in excess of 25 horsepower, is raised from 12 to 14 years of age, (b) children 5 years or under shall wear a personal flotation device (PFD) while on public waters, unless the vessel has "continuous side rails, 3 feet or more in height," (c) a waiver of the provisions of RSA 105:10-a, I, as

pertains to "automatic fire warning devices," is granted, until July 1, 1986, (d) Boats on Spectacle Pond shall be limited to 7.5 horsepower and 10 miles per hour, and the Water Supply and Pollution Control Commission shall conduct tests on the effect of petroleum products on Spectacle Pond, the results of such tests to be furnished this Committee not later than December 1, 1986. (e) Those using "jet skis" on public waters shall be not less than 14 years of age, and shall wear a PFD. Vote 11-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend RSA 270:30 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

270:30 Minimum Age for Operation. No person under the age of 14 years shall operate upon the public waters of the state a motor boat or outboard motor having power in excess of 25 horsepower unless he is accompanied by an adult, and such adult shall be liable for personal injury or property damage which may result from such operation.

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Spectacle Pond. Amend RSA 486 by inserting after section 22 the following new section:

486:23 Spectacle Pond. No person shall use or operate any motorboat or any boat equipped with a motor with a manufacturer's rated capacity in excess of 7.5 horsepower, nor shall any person exceed a headway speed of 10 miles per hour with any motorboat upon the waters of Spectacle Pond in the towns of Groton and Hebron. Whoever violates this section shall be guilty of a violation.

8 Water Supply and Pollution Control Commission Testing. The water supply and pollution control commission shall conduct appropriate testing to determine the effects of continued use of petroleum powered boats on Spectacle Pond in the towns of Groton and Hebron. The results of such tests shall be forwarded to the chairman of the house committee on public protection and veteran's affairs by December 1, 1986.

9 Automatic Fire Warning. Amend RSA 153:10-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding the provisions of this section, public or private hospitals, residential health care facilities, or county nursing homes shall be exempt from the requirements of this section until July 1, 1986.

10 Jet Skis. Amend RSA 270 by inserting after section 30 the following new section:

270:30-a Jet Skis. No person under 14 years of age shall operate jet skis on any waters of the state; nor shall any person operate or allow another person to operate jet skis within 150 feet of one another,

other boats or the shore. Any person operating jet skis shall wear a personal flotation device which is coast guard approved type 1 or 2. The owner of any jet skis in violation of this section may be subject to loss of the boat registration for the jet skis and the operator in violation of this section shall be guilty of a violation.

11 Effective Date.

I. Sections 3, 4, and 10 of this act shall take effect January 1, 1986.

II. Sections 5, 6, and 7 of this act shall take effect 60 days after its passage.

III. Sections 8 and 9 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect July 1, 1985.

SB 76, to reclassify certain highways in the town of Sunapee. Ought to Pass.

This bill reclassifies 2 sections of class II highways in the town of Sunapee to class V highways. This reclassification is agreeable to both the town of Sunapee and the State Department of Public Works and Highways. Vote 20-0. Rep. Gene G. Chandler for Public Works.

SB 131-FN, authorizing the installation of vending machines at rest areas on the state highway system. Ought to Pass with Amendment.

The Committee on Public Works felt that this bill would provide a necessary service to the motoring public, upon whom this State is so dependent. The State will also receive income from the sale of merchandise from the vending machines. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend RSA 230:30-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

230:30-a Vending Machines.

I. In consultation with the commissioner of the department of public works and highways, the director of plant and property management shall, when feasible, authorize the installation of vending machines dispensing non-alcoholic beverages and food items in the facilities located in rest areas along the state highway system.

II. The director of plant and property management shall put out bids for the installation and maintenance of the vending machines on a rest area by rest area basis. Notwithstanding the provisions of RSA 186-B:9-15, any bidder shall be eligible to bid for this service and shall be eligible to service more than one rest area.

III. In implementing this section, the director of plant and property management shall not incur any capital expense to the state of New Hampshire.

IV. The state's share of the funds derived from the vending machine revenue shall be deposited as unrestricted revenue in the general fund.

V. The provisions of RSA 230:52 shall not apply to the installation of vending machines under this section.

SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants. Ought to Pass.

Senate Bill 63 transfers RSA 477:48 relative to security deposits from RSA chapter 477 to RSA 540-A and changes the title to read "Prohibited Practices and Security Deposits." The new section is subdivided into several new sections and language is updated. Vote 15-0. Rep. Norman R. Brough for State Institutions and Housing.

SB 111, defining presite built housing. Ought to Pass.

This bill defines "manufactured housing" and distinguishes it from "presite built housing." The bill clarifies the difference between these two types of structures. Vote 15-0. Rep. Ralph Parker for State Institutions and Housing.

SB 177-FN, relative to vanity plates for disabled or handicapped persons. Ought to Pass.

This Committee is unanimous in feeling that passage of this bill will serve this group of citizens in several ways physically and emotionally with little or no expense to the state since the plate is already designed. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

COMMITTEE REPORTS (Regular Calendar)

SCR 4, calling upon New Hampshire's congressional delegation to support reinstatement of the Small Business Administration. Ought to Pass.

The Small Business Administration has provided a lot more than money to our great state of small businesses. The overwhelming sentiment of the Committee was for the continuation of the many different programs and services the Small Business Administration provides to New Hampshire. Vote 11-5. Rep. Vincent J. Palumbo for Commerce, Small Business and Consumer Affairs.

Ordered to third reading.

SB 3, relative to expenditures and reporting by political committees.

Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill makes reporting easier by eliminating the need for federal candidates to file a state form. Vote 7-4. Rep. Natalie S. Flanagan for the Majority of Constitutional and Statutory Revision. MINORITY: The passage of this bill will allow national political action committees to finance state candidates without the detailed itemized reporting as now required by present statutes. (Reps. Roger Stewart, Beverley B. Bryant for the Minority of Constitutional and Statutory Revision.)

Rep. Joseph Eaton moved the words, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Motion adopted.
Referred for Interim Study.

SB 39, establishing that human life begins at conception. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The sponsor of this bill said, "The experts cannot agree when life begins, but it is my opinion it begins at conception." This debate has been going on since the days of Aristotle. The Committee believes it would be arrogant and presumptive for the New Hampshire Legislature to determine an opinion by law in less than five hours. Vote 18-3. Rep. Robert M. Gilbreth for the Majority of Health and Human Services.

MINORITY: It is a biological fact that life begins at conception when the sperm cell unites with the ovum. When this occurs, there is cell division within hours; a heartbeat in 3 weeks, and brain waves recorded in 40 days. If uninterrupted, a human child will be the result in 266 days. (Rep. Margaret Roberts for the Minority of Health and Human Services.)

Rep. Roberts moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Joslyn and Walter Robinson spoke against the motion.

Reps. Gilbreth and Scott Green spoke against the motion and yielded to questions.

Rep. Schwane spoke in favor of the motion.

Rep. Daniel Eaton moved that SB 39 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Rep. Rounds presiding)
YEAS 190 NAYS 154
YEAS 190

BELKNAP: Birch, Brown, Hardy, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Arnott, Blacketer, Burley, Davis, Delano, Daniel Eaton, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Russell, Scranton, Secord and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Horton, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Densmore, Driscoll, Duggan, Michael King, Wayne King, LaMott,

McAvoy, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Robert Blanchette, Boutwell, Burkush, Crotty, Blacharme, Duperron, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Holden, Keefe, Knight, Lown, Martin, McGlynn, Messier, Elizabeth Moore, Murphy, Newcombe, O'Rourke, Bonnie Packard, Norman Packard, Pappas, Paquette, Perham, Pressly, Raiche, Ellen-Ann Robinson, Philip Rodgers, Shriver, Leonard Smith, Steiner, Stonner, Turgeon, Vanderlosk, Varkas, Wagner, Geraldine Watson, Frank Whittemore, M. Arnold Wight and Winn.

MERRIMACK: Bardsley, Bowes, James Chandler, Daniell, Fraser, George Gordon, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Lewis, Nichols, Pannell, Pantzer, Phelps, Rehlander, Linwood Rogers, Gerald R. Smith, Stio, Wallner and West.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Case, Day, Harry Flanders, Beverly Gage, Goss, Hoar, Hollingworth, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Malcolm, Robert Mason, McKinney, Nagel, Parr, Pevear, Quimby, Raynowska, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Vartanian and Walker.

STRAFFORD: Bates, Bernard, Bryant, Diamant, Albert Dionne, Donnelly, Robert Jones, Keans, Meader, O'Brien, Bruce Packard, Pelley, Francis Robinson, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 154

BELKNAP: Bolduc, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Jensen and Matthew Locke.

CARROLL: Russell Chase, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Frink, Irvin Gordon, Grodin, Elmer Johnson, Ridge, Schwartz, Thompson and Young.

COOS: Brungot, Coulombe, Frederic Foss, Guay, Lamontagne, Marsh and Theriault.

GRAFTON: Bennett, Blair, Christy, Hutchings, Mann, Scanlan, Stewart and Howard Townsend.

HILLSBOROUGH: August, Barry, Beaupre, Bernier, Blais, Lionel Boucher, Bourdon, Bridgewater, John Burns, Leslie Burns, Carragher, Chagnon, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Dupont, Durant, Dykstra, Fields, Gagnon, Healy, Herod, Hogan, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Kelley, Levesque, Lozeau, Howard Mason, McCue, Morrisette,

Nelson, Nute, Paradis, Pariseau, Parmenter, Prestipino, Reardon, Frances Riley, Sallada, B. P. Smith, Mary Sullivan, Tamposi, Van Loan, Emma Wheeler, Kenneth Wheeler, Worthen and Zis.

MERRIMACK: Allgeyer, Barberia, Bibbo, Cailler, Gilbreth, Gross, Hayes, Mary Holmes, Jelley, Arthur Locke, Millard, Roberts, Walter Robinson, Savaria, Shepard and James Whittemore.

ROCKINGHAM: Bangs, Benton, Butler, Lawrence Chase, Clay, Connors, Conroy, Ellyson, Emanuelson, Felch, Flanagan, Bert Ford, Gourdeau, Haynes, Robert Johnson, Mace, Magoon, McCain, Newman, Norman Rogers, Schwaner, Sytek, Vaughn, Warburton and Welch.

STRAFFORD: Appleby, Berkey, Burton, Callahan, Chamberlin, Dingle, Patricia Foss, Frechette, Kincaid, Laurion, Lussier, Parks, Spear and Henry Sullivan.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram and Paul Johnson, and the motion was adopted.

SB 39 was laid upon the table.

Rep. Thomas Gage notified the Clerk that he wished to be recorded in favor of the Majority report, Inexpedient to Legislate.

SB 147, establishing a committee to study a health cost containment measure. Ought to Pass.

A majority of the Committee felt that this bill would provide valuable information on health cost containment. Vote 13-7. Rep. Lawrence A. Chase for Health and Human Services.

Ordered to third reading.

SB 215, relative to a systematic review of health coverage proposals. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This legislation addresses a growing concern over the continued expansion of mandated insurance coverages, especially in the area of accident and health, where already costs are out of control. Now, before a person or organization seeking sponsorship of proposed mandated coverage, it must answer a series of questions addressed to the legislative committee of interest dealing with the social and financial impact of such proposed mandated coverage. Vote 17-3. Rep. Leo W. Fraser, Jr. for the Majority of Health and Human Services. MINORITY: There is no need to put into statute a list of questions the standing committee already has authority to ask. Why should only one group of legislators be subjected to a hurdle, i.e. determining social and economic impact of legislation, when the same requirement is not mandated for all legislation? Furthermore, this same bill, in the form of a resolution, was killed by the Committee that appropriately deals with insurance matters. (Rep. Marion L. Copenhaver for the Minority of Health and Human Services.)

Rep. Copenhaver moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to her motion.

Reps. Fraser, Sara Townsend and Sochalski spoke against the motion and yielded to questions.

Rep. Pantzer spoke in favor of the motion.

Rep. Diamant spoke in favor of the motion and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted. A division was requested.

Rep. Roberts abstained from voting under Rule 16.

203 members having voted in the affirmative and 143 in the negative, the motion was adopted.

Resolution adopted.

SCR 5, supporting limited heroin prescriptions for terminal cancer patients. Ought to Pass.

The majority of the Committee felt that this resolution, to be introduced in the United States Congress, would allow terminal cancer patients to remain coherent and as comfortable as possible during their remaining time. Vote 15-6. Rep. Joan A. Wagner for Health and Human Services.

Ordered to third reading.

SB 71, repealing the mini Davis-Bacon act. Ought to Pass.

Senate Bill 71 repeals the New Hampshire "Mini Davis-Bacon Act" allowing the Labor Commissioner to set the "prevailing wage rates to be paid to labor grades on public works projects in excess of \$500,000. Support for the repeal of this measure is not based on union versus nonunion philosophies, but on a law that is archaic and does not deal with the economic factors of the day, and at times spurs artificially inflated wage rates. The measure is supported by the Board of Education and the New Hampshire Association of School Boards, New Hampshire Association of Counties and others, all of whom have stressed that the measure is pro-taxpayer and will save the state counties, cities and towns substantial money whenever structures and roads are built with state or municipal funds. Vote 7-5. Rep. Avis B. Nichols for Labor, Industrial and Rehabilitative Services.

Rep. Chambers offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

amending the mini Davis-Bacon act to apply to contracts over \$1,000,000.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Regulation of Contracts. Amend RSA 280:1 as amended by striking out said section and inserting in place thereof the following:

280:1 Regulation by Labor Commissioner of Contracts of Over \$1,000,000. The advertised specifications for every contract in excess of \$1,000,000 for the construction of public works by the state of New Hampshire, or by a county, municipality or district established by law which requires or involves the employment of mechanics, teamsters, chauffeurs and laborers shall contain a provision stating the minimum wages to be paid various classes of said employees which shall be based upon wages that will be determined by the labor commissioner to be prevailing for the corresponding classes of mechanics, teamsters, chauffeurs and laborers employed on projects of a character similar to the contract work in the city, town, village or other civil subdivision in which the work is to be performed and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay hourly wages which are no less than the various rates so established during the life of the contract. This section shall also apply to regular employees of the state when such employees are employed in the construction, addition to, or alteration of said works for which special appropriations are provided. Payments by employers to health, welfare, pension, or other plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing prevailing wage rates as prescribed in this section.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Chambers explained the amendment and yielded to questions.

Reps. Skinner and Dickinson spoke against the amendment.

Rep. Matson spoke in favor of the amendment and yielded to questions.

Amendment lost.

Ordered to third reading.

SB 121, relative to continuity of employment tenure for state employee benefits purposes. Inexpedient to Legislate. The subject of the continuity of employment tenure for state employee benefits is a subject that is considered in the negotiations process and has not received top priority in the contract. This measure would attempt to change RSA 99:5 and 99:6 from 10 years of continuous service to 5 years for allowing an individual to pick up benefits of prior service. Legislation similar to SB 121 has been considered in prior sessions by this and another Committee and has been treated as

Inexpedient to Legislate. Vote 9-3.
Rep. Robert R. Charron for Labor,
Industrial and Rehabilitative Services.

Resolution adopted.

SB 123-FN, relative to an increased
adjusted elderly exemption for the city of
Portsmouth. Ought to Pass.

This bill pertains to only Portsmouth.
The testimony was all in favor of its
passage. Vote 13-4. Rep. Beverly A.
Gage for Municipal and County Government.

Ordered to third reading.

SB 149-FN, eliminating the position of
city sealer of weights and measures in
Manchester and Nashua. Ought to Pass.

The Committee feels that the people of
the cities of Manchester and Nashua
would be better served by having the
State Inspector handle inspections of
weights and measures. Vote 12-5. Rep.
Leona Dykstra for Municipal and County
Government.

Ordered to third reading.

SB 37, relative to the preservation and
disposition of Indian skeletal remains.
Ought to Pass with Amendment.

After considerable testimony by all who
wanted to be heard, and considering the
many diverse and qualified opinions of
various concerned groups and
individuals, the Chairman asked the
Governor's Representative, Mr. John
Gifford, assigned to this bill, to meet
with all concerned and work out an
amendment agreeable to all. The
Committee felt, under these
circumstances, that the best
accommodation of this matter has been
met. Vote 18-2. Rep. Mildred S. Ingram
for Public Works.

Rep. Keans moved that the words, Refer
for Interim Study, be substituted for the
report of the Committee, Ought to Pass with
Amendment, spoke to her motion and yielded
to questions.

Rep. Walter spoke against the motion.

Rep. Hollingworth spoke in favor of the
motion and yielded to questions.

Reps. Felch and Bibbo spoke against the
motion and yielded to questions.

Rep. Sara Townsend moved the previous
question. Sufficiently seconded. Adopted.
A division was requested.

186 members having voted in the
affirmative and 146 in the negative, the
motion was adopted.

SB 37 was referred for Interim Study.

SB 65, proscribing the transportation of
alcohol in open containers. Inexpedient to
Legislate.

While this bill embodies some worthwhile
provisions, the problems outweigh the
values with no provision made for
enforcement. Vote 10-2. Rep. Ralph W.
Pearson for Transportation.

Rep. August moved that the words, Refer
for Interim Study, be substituted for the
report of the Committee, Inexpedient to
Legislate, and spoke to his motion.

Rep. Irvin Gordon spoke in favor of the
motion.

Motion adopted.

SB 65 was referred for Interim Study.

SB 136, relative to the reinstatement
of Sports Programs, Inc. Ought to Pass.

This bill reinstates Sports Programs,
Inc. retroactive to 1980. Vote 10-0.

Rep. Natalie S. Flanagan for
Constitutional and Statutory Revision.

Rep. Walter moved that HB 136 be
recommitted to the Committee on
Constitutional and Statutory Revision and
spoke to her motion.

Rep. Joseph Eaton spoke in favor of the
motion.

Motion adopted.

SB 116, relative to hunting and fishing
resident licenses. Ought to Pass.

This is a very necessary bill which
keeps the resident tax bill as a proof
of residency, but now the Fish and Game
Department and its license agents will
no longer be tax collectors. Vote
13-2. Rep. Gerald R. Smith for Fish and
Game.

Rep. George Gordon moved that the words,
Inexpedient to Legislate, be substituted for
the report of the Committee, Ought to Pass,
spoke to his motion and yielded to questions.

Reps. Powers, Perham and Doris Riley
spoke against the motion and yielded to
questions.

Rep. Daniell spoke to the motion.

Rep. Fried spoke in favor of the motion.

Rep. Sara Townsend moved the previous
question. Sufficiently seconded. Adopted.

Motion lost.

Question now being on the report of the
Committee, Ought to Pass, a roll call was
requested. Sufficiently seconded.

(Rep. Rounds presiding)

YEAS 122 NAYS 217

YEAS 122

BELKNAP: Birch, Bolduc, Hardy, Hawkins,
Jensen, Matthew Locke, Pearson, Randall,
James J. White and Zeckhausen.

CARROLL: Russell Chase, Kenneth MacDonald,
Powers and Saunders.

CHESHIRE: Frink, Irvin Gordon, Ramsay and
William Sullivan.

COOS: Brideau, Chappell, Chardon, Coulombe,
Marsh, Mayhew, Theriault and York.

GRAFTON: Crory, Hutchings, Wayne King,
Mann, Scanlan, Taffe, Walter and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris,
August, Lionel Boucher, Leslie Burns,
Carragher, Chagnon, Chretien, Clancy, Cox,
Crotty, Joseph Eaton, Nancy Ford, Grip,
Marian Harrington, Humphrey, Hyman, Chris

Jacobson, Keefe, Knight, Howard Mason, McGlynn, Murphy, Nute, Norman Packard, Pappas, Paquette, Perham, Prestipino, Leonard Smith, Tamposi, Turgeon, Van Loan, Vanderlosk, Harold Watson and M. Arnold Wight.

MERRIMACK: Bardsley, Laurent Boucher, Fraser, Gilbreth, Gross, Kidder, Phelps, Doris Riley, Savaria and Stio.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Case, Clay, Conroy, Day, Emanuelson, Felch, Flanagan, Phyllis Katsakiores, Magoon, Malcolm, McCain, Nagel, Parr, Quimby, Sanderson, Scamman, Schmidtchen, Sherburne, Sloan, Splaine, Stachowske, Sytek and Vartanian.

STRAFFORD: Berkey, Chamberlin, Dingle, Albert Dionne, Laurion, Parks, Pelley, Francis Robinson, Swope and Ann Torr.

SULLIVAN: Call, Lindblade, Mehegan and Sara Townsend.

NAYS 217

BELKNAP: Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington and Holbrook.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Olimpio and Schofield.

CHESHIRE: Arnott, Blacketor, Burley, Davis, Delano, Daniel Eaton, Grodin, Matson, Morse, Parker, Perry, Ridge, William Riley, Russell, Schwartz, Secord, Thompson and Young.

COOS: Brungot, Frederic Foss, Guay, Horton, Lamontagne and Ottolini.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Densmore, Driscoll, Duggan, Easton, McAvoy, Stewart, Howard Townsend, Wadsworth and Ward.

HILLSBOROUGH: Barry, Bass, Beaupre, Bernier, Bourdon, Boutwell, Bridgewater, Burkush, John Burns, Champagne, Charron, Cote, William Dion, Donovan, Dacharme, Duperron, Durant, Dykstra, Fields, Fried, Gagnon, Scott Greene, Herod, Hogan, Holden, Jasper, George Jones, Michael Jones, Kelley, Levesque, Lown, Lozeau, Martin, McCue, Messier, Elizabeth Moore, Morrisette, Nelson, Newcombe, O'Rourke, Bonnie Packard, Paradis, Pariseau, Parmenter, Pellow, Pressly, Raiche, Reardon, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. F. Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Varkas, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Worthen and Zis.

MERRIMACK: Allgeyer, Barberia, Bibbo, Bowes, James Chandler, Daniell, George Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Pantzer, Rehlander, Roberts, Linwood Rogers, Shepard, Wallner, West and James Whittemore.

ROCKINGHAM: Bangs, Blanchard, Butler, Lawrence Chase, Connors, Ellyson, Harry Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Mace, Pevear, Raynowska, Norman Rogers, Rosencrantz, Schwaner, Seward, Skinner, Sochalski, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Bryant, Burton, Callahan, Diamant, Donnelly, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Lussier, Meader, Musler, O'Brien, Bruce Packard, Spear, Henry Sullivan and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Paul Johnson, McKee, Normandin, Rodeschin, Schotanus and Spaulding, and the Committee report lost.

Rep. George Gordon moved that SB 116 be Indefinitely Postponed and spoke to his motion.

A division was requested.

238 members having voted in the affirmative and 100 in the negative, the motion was adopted.

SB 116 was Indefinitely Postponed.

SB 167, permitting the delegation of site plan review powers. Inexpedient to Legislate.

Testimony on this bill indicated a desire to handle site plan reviews in an expeditious manner. The Committee is unanimous in its conclusion that (1) adequate provision already exists for such expeditious handling and (2) the public is best served by decision-making authority and responsibility retained at planning board level. Vote 17-0. Rep. Richard A. Grodin for Municipal and County Government.

Rep. Krasker moved that SB 167 be recommitted to the Committee on Municipal and County Government and spoke to her motion.

Rep. Mann spoke in favor of the motion. Motion adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HJR 5, relative to procedures for non-partisan primary elections in the town of Winchester. (Amendment printed SJ 4/25)

Rep. Joseph Eaton moved that the House concur.

Adopted.

RECONSIDERATIONS

Rep. Chardon moved that the House reconsider its action whereby it adopted SB 71, repealing the mini Davis-Bacon act. Reconsideration lost.

Rep. Schmidtchen moved that the House reconsider its action whereby it referred for Interim Study, SB 37, relative to the preservation and disposition of Indian skeletal remains.

Reps. Bibbo and James J. White spoke in favor of the motion.

Rep. Keans spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Rep. Rounds presiding)

YEAS 125 NAYS 212

YEAS 125

BELKNAP: Birch, Bowler, Hardy, Hawkins, Jensen, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald and Powers.

CHESHIRE: Burley, Frink, Irvin Gordon, Parker, Perry, Ridge, Schwartz, Secord, William Sullivan, Thompson and Young.

COOS: Brungot, Chardon, Frederic Foss, Guay, Lamontagne and Marsh.

GRAFTON: Bean, Blair, Densmore, Driscoll, Hutchings, Mann, McAvoy, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Arnold, Lionel Boucher, John Burns, Leslie Burns, Carragher, Clancy, Fried, Chris Jacobson, Keefe, Kelley, Knight, Levesque, Murphy, Nute, Norman Packard, Ellen-Ann Robinson, Shriver, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Kenneth Wheeler, Frank Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Barberia, Bardsley, Bibbo, Laurent Boucher, James Chandler, Cross, Kidder, Kinhan, Pantzer, Phelps, Rehlander, Doris Riley, Shepard, Stio and James Whittemore.

ROCKINGHAM: Benton, Burdick, Clay, Felch, Flanagan, Hoar, Joslyn, Phyllis Katsakiores, Mace, Nagel, Newman, Parr, Quimby, Norman Rogers, Scamman, Schmidtchen, Seward, Skinner, Sloan, Sochalski, Stachowske, Sytek, Vartanian and Walker.

STRAFFORD: Bates, Chamberlin, Diamant, Robert Jones, Kincaid, Meader, Pelley, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Ingram, Spaulding and Sara Townsend.

NAYS 212

BELKNAP: Bolduc, Brough, Brown, Richard Campbell, Dexter, Golden, Malcolm Harrington, Holbrook, Matthew Locke and Pearson.

CARROLL: Russell Chase, Olimpio, Saunders and Schofield.

CHESHIRE: Arnott, Blacketor, Davis, Delano, Daniel Eaton, Grodin, Morse, Ramsay, William Riley and Russell.

COOS: Brideau, Chappell, Coulombe, Horton, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Chambers, Christy, Copenhaver, Crory, Duggan, Easton and Stewart.

HILLSBOROUGH: Ahrens, Arris, August, Barry, Bass, Beaupre, Bernier, Robert Blanchette, Bourdon, Boutwell, Bridgewater, Burkush, Chagnon, Champagne, Charron, Chretien, Cote, Cox, Crotty, William Dion, Donovan, Ducharme, Duperron, Durant, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Gagnon, Scott Green, Grip, Marian Harrington, Herod, Hogan, Holden, Humphrey, Hyman, Jasper, George Jones, Michael Jones, Lown, Lozeau, Martin, Howard Mason, McCue, McGlynn, Messier, Elizabeth Moore, Morrissette, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reardon, Frances Riley, Philip Rodgers, Sallada, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Geraldine Watson, Emma Wheeler, Winn, Worthen and Zis.

MERRIMACK: Bowes, Daniell, Fraser, Gilbreth, George Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Lewis, Arthur Locke, Millard, Nichols, Pannell, Roberts, Linwood Rogers, Savaria, Wallner and West.

ROCKINGHAM: Bangs, Blaisdell, Blanchard, William Boucher, Butler, Case, Lawrence Chase, Connors, Conroy, Ellyson, Emanuelson, Harry Flanders, Bert Ford, Beverly Gage, Coss, Gourdeau, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Kane, George Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Magoon, Malcolm, McCain, Pevear, Raynowska, Rosencrantz, Sanderson, Schwaner, Sherburne, Splaine, Vaughn, Welch and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Burton, Callahan, Dingle, Albert Dionne, Donnelly, Patricia Foss, Frechette, Keans, Laurion, Lussier, Musler, O'Brien, Bruce Packard, Parks, Francis Robinson, Spear and Henry Sullivan.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin and Schotanus, and reconsideration lost.

Rep. Copenhaver moved that the House reconsider its action whereby it killed SB 215, relative to a systematic review of health coverage proposals.

Reconsideration lost.

Rep. Chardon moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

SB 152, to establish the method of assessing time share interests.

SB 35, relative to medical review committee reports.

SB 184-FN, establishing a task force to study the problem of indigent care in New Hampshire.

SB 84, relative to the municipal records board.

SB 87, legalizing the agreement establishing the Concord regional solid waste resource recovery cooperative and the obligations imposed by the agreement.

SB 113, relative to inventory blanks.

SB 133, relative to eligibility for financial assistance from towns.

SB 158-FN, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period.

SB 178-FN, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days.

SB 192-FN, relative to collection procedures for municipal utilities.

SB 210, permitting the use of a separate ballot for proposed zoning amendments.

SB 32-FN, an omnibus bill relative to public protection.

SB 76, to reclassify certain highways in the town of Sunapee.

SB 131-FN, authorizing the installation of vending machines at rest areas on the state highway system.

SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants.

SB 111, defining presite built housing.

SB 177-FN, relative to vanity plates for disabled or handicapped persons.

SCR 4, calling upon New Hampshire's congressional delegation to support reinstatement of the Small Business Administration.

SB 147, establishing a committee to study a health cost containment measure.

SCR 5, supporting limited heroin prescriptions for terminal cancer patients.

SB 71, repealing the mini Davis-Bacon act.

SB 123-FN, relative to an increased adjusted elderly exemption for the city of Portsmouth.

SB 149-FN, eliminating the position of city sealer of weights and measures in Manchester and Nashua.

INTRODUCTION OF GUEST

Rep. William Boucher introduced Fred Colson, President of the Granite State Independent Living Foundation, who addressed the House briefly.

Reps. Tucker and Wayne King offered the following:

HOUSE RESOLUTION NO. 35

memorializing former New Hampshire State Police Sergeant Francis J. Donahue.

WHEREAS, Francis J. Donahue had a law enforcement career of more than 23 years, serving for five years with the Police Department of Keene, New Hampshire and then for more than eighteen years with the New Hampshire State Police until his retirement in June, 1984, and

WHEREAS, Francis J. Donahue was promoted by the State Police to the rank of Sergeant in March 1978, and was assigned to the Hazardous Materials Unit in March 1982, serving as one of just two State Troopers in charge of hazardous waste enforcement, and

WHEREAS, Francis J. Donahue, during his tenure with the Hazardous Materials Unit, was twice commended by Governor John H. Sununu for efficient, dedicated and courageous work, and

WHEREAS, Francis J. Donahue was a dedicated public servant who believed that being a guardian of the public's trust and safety was the highest calling for any individual, and

WHEREAS, Francis J. Donahue was a humanitarian who cared deeply about those persons he faithfully served, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Sergeant Francis J. Donahue's outstanding record of public service receive highest commendation and public recognition, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

HR 34, relating to hydropower facilities at Dover and Newmarket and requesting the governor to develop a river resource protection program, was read and will be referred to Committee.

Rep. Tucker for the entire membership offered the following:

RESOLUTION NO. 36

honoring former United States Senator Norris Cotton.

WHEREAS, having been born on the eleventh day of May in the Year of Our Lord 1900, Norris Cotton, through his devotion to his state, has become one of New Hampshire's favorite sons and most distinguished public servants, and

WHEREAS, Norris Cotton served three terms in the New Hampshire House of Representatives, being elected by the voters of Grafton County first in 1923, then again in 1943, and in 1945, and

WHEREAS, during his third term as a State Representative in the biennium of 1945-1946, Norris Cotton served as Speaker of the House, and

WHEREAS, having devoted his life to the legislative process, Norris Cotton also faithfully and eloquently served the voters of New Hampshire for six years as a member of the United States Congress and then for twenty consecutive years as a member of the United States Senate, and

WHEREAS, Norris Cotton, recognized by all for his integrity, has served in numerous other public offices including Clerk of the New Hampshire Senate, Grafton County Attorney and Municipal Judge, and

WHEREAS, Norris Cotton is a graduate of Phillips Exeter Academy, Wesleyan University and George Washington University Law School, and in the early stages of his career worked one year as a teacher in Lebanon, Connecticut, the town for which Lebanon, New Hampshire, his hometown, was named, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that on the occasion of his eighty-fifth birthday, Senator Norris Cotton be congratulated publicly and his achievements as a public servant be applauded and given highest recognition, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 776, relative to the administration of the children's study home. (Amendment printed SJ 4/25)

Rep. Scamman moved that the House concur. Adopted.

PERSONAL PRIVILEGE

Rep. Pevear addressed the House under personal privilege.

Rep. Chardon moved that the House stand in recess for the purpose of referrals and enrolling reports only. Adopted.

The House recessed at 4:45 p.m.

RECESS

(Rep. Rounds in the Chair)

ENROLLED BILLS AMENDMENTS

HB 590, relative to the counsel for the department of employment security and that department's representation in court.

Amendment

Amend section one of the bill by striking out line 2 and inserting in place thereof the following:

576:11 by striking out said paragraph and inserting in place thereof the

This amendment corrects an error in the amending language in section one of the bill.

Adopted.

HB 78, relative to resident commercial salt water fishing licenses and establishing a New Hampshire-Maine marine boundary commission.

Amendment

Amend section 7 of the bill by striking out line 4 and inserting in place thereof the following:

thereupon be submitted by the respective commissioners to the legislatures of

Amend section 8 of the bill by striking out line 5 and inserting in place thereof the following:

approval thereof by the Congress, such compact shall become final and

This amendment corrects grammatical errors in sections 7 and 8 of the bill.

Adopted.

HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection.

Amendment

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

inserted by 1983, 432:5 by striking out said paragraph and inserting in

This amendment corrects an erroneous citation.

Adopted.

HB 266, authorizing the department of safety to join the international registration plan.

Amendment

Amend RSA 260:75, Art. II. G. as inserted by section 2 of the bill by striking out line 5 and inserting in place thereof the following:

require no apportionment and grant reciprocity, the base jurisdiction

Amend RSA 260:75, Art. IX. C. as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

restricted plate or permit issued for a minimum fee and for a registered

Amend RSA 260:75, Art. XI. B. 3. e. as inserted by section 2 of the bill by striking out line 7 and inserting in place thereof the following:

both interstate and intrastate movements in all jurisdictions.

Amend RSA 260:75, Art. XII. E. as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

agreement, so that vehicles may move without waiting for telegraphic or

This amendment corrects certain grammatical and spelling errors in RSA 260:75 as inserted by section 2 of the bill.

Adopted.

HB 362, relative to restitution.

Amendment

Amend RSA 651:67, I as inserted by section one of the bill by striking out line 3 and inserting in place thereof the following:

make restitution or by defaulting in the payment or performance of the

This amendment corrects a grammatical error by changing the word "default" to "defaulting."

Adopted.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights.

Amendment

Amend section 4 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

after chapter 482-R the following new chapter:

CHAPTER 482-S

Amend RSA 482-R:1-3 as inserted by section 4 of the bill by renumbering said sections to read as 482-S:1, 482-S:2, and 482-S:3, respectively.

This amendment rennumbers certain RSA sections to avoid duplicating the numbering of RSA sections already inserted by House Bill 48 (Chapter 10).

Adopted.

HB 275, removing double damages for injuries by dogs.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

said section and inserting in place thereof the following:

This amendment corrects improper amending language.

Adopted.

HB 174-FN, allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes

without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.

Amendment

Amend section 1 of the bill by striking out line 19 and inserting in place thereof the following:

and to assure conformance with any local ordinances, as well as plans for

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect 60 days after its passage.

This amendment corrects a typographical error. The amendment also corrects the section numbering by changing the second bill section from 3 to 2.

Adopted.

HB 166, relative to the definition of antique gambling machine.

Amendment

Amend section one of the bill by striking out line 4 and inserting in place thereof the following:

years old) so that said paragraph as amended shall read as follows:

This amendment corrects an error in the amending language of the bill.

Adopted.

INTRODUCTION OF GUESTS

Students from the Bow Elementary School and their teachers, guests of the House.

ENROLLED BILLS REPORT

SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants.

SB 71, repealing the mini Davis-Bacon Act.

SB 76, to reclassify certain highways in the town of Sunapee.

SB 84, relative to the municipal records board.

SB 87, legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative and the obligations imposed by the agreement.

SB 111, defining presite built housing.

SB 123, relative to an increased adjusted elderly exemption for the city of Portsmouth.

SB 133, relative to eligibility for financial assistance from towns.

SB 147, establishing a committee to study a health cost containment measure.

SB 152, to establish the method of assessing time share interests.

SB 158, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period.

SB 177, relative to vanity plates for disabled or handicapped persons.

SB 192, relative to collection procedures for municipal utilities.

HB 96, amending certain planning and zoning statutes.

HB 412, allowing Newmarket to separate from school administrative unit number 14.

HB 540, establishing a committee to recodify the state's labor laws.

HB 573, relative to class II highways; naming a bridge in Hopkinton for Leroy R. Kimball; naming a portion of N.H. Route 16 for Senator Laurier Lamontagne; naming a bridge in Newington for Captain John F. Rowe, United States Navy.

HB 709, creating a privilege for certain victims and their counselors.

HJR 5, relative to procedures for non-partisan primary elections in the town of Winchester.

HB 28, relative to bridges and bridge aid.

HB 286, relative to the minimum wage for youths.

HB 294, relative to the Nashua airport authority.

HB 301, relative to the state committee on mosquito control.

HB 313, relative to the workers' compensation advisory council.

HB 347, relative to the current use tax.

HB 418, relative to motor vehicle registration fees.

HB 497, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person.

HB 622, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments.

HB 627, relative to the emergency medical service coordinating board and limiting liability of persons providing emergency telephone and radio communications.

SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears.

Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

ENROLLED BILLS REPORT

HB 135, relative to sunset review of forestry and land resources.

HB 144, relative to sunset review of the New Hampshire municipal bond bank.

HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal.

HB 171, relative to assaults by prisoners.

HB 205, repealing statutes affecting an agency that has been sunsetted.

HB 238, providing that certain emergency vehicles be exempt from length and weight requirements.

HB 272, relative to mortgages.

HB 295, relative to school district boundaries in Canterbury and Concord.

HB 322, eliminating the filing fee for charitable trusts when the market value of trust property is less than \$10,000.

HB 358, relative to driver's license revocations under the implied consent law.

HB 360, relative to the penalty for escape from a house of correction.

HB 371, to restore the curative statute for deeds defectively witnessed.

HB 382, requiring school administrative unit superintendents to prepare annual budget reports.

HB 429, appropriating funds for participation in the federal groundwater mapping program.

HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains.

HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor.

Rep. Natalie S. Flanagan
Sen. Mark Hounsell
For the Committee.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 102, relative to the fiscal committee.

SB 221, relative to the Upham-Walker house.

Reps. Campbell, Burley and McKinney offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 102 and 221, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 102, relative to the fiscal committee. (Appropriations)

SB 221, relative to the Upham-Walker house. (Legislative Administration)

RECESS

(Rep. Sochalski in the Chair)

ENROLLED BILLS REPORT

HB 35, relative to preparing and correcting checklists in village districts.

HB 72, relative to the submission and certification of nomination papers and the filing period for declarations of candidacy.

HB 78, relative to resident commercial salt water fishing licenses and establishing a New Hampshire-Maine boundary commission.

HB 91, relative to counting absentee ballots.

HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes.

HB 99, relative to the state guard.

HB 107, relative to sunset review of the environmental protection division.

HB 122, relative to sunset review of the division of criminal justice.

HB 153, relative to sunset review of division of consumer protection and land disclosure.

HB 154, relative to sunset review of eminent domain and public works and highways.

HB 166, relative to the definition of antique gambling machine.

HB 174, allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.

HB 235, authorizing any town or city to establish a hydroelectric fund.

HB 266, authorizing the department of safety to join the international registration plan.

HB 275, removing double damages for injuries by dogs.

HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir and water rights.

HB 335, relative to procedures for charter revision or adoption.

HB 337, relative to the filing period for declarations of candidacy and for party committees.

HB 362, relative to restitution.

HB 387, relative to funds for the automated information system in the state library.

HB 451, relative to fees charged by the wetlands board and making an appropriation for dam inspection.

HB 452, relative to multicounty grand juries.

HB 453, relative to theft of utility services.

HB 527, increasing the maximum size of development districts.

HB 543, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed value.

HB 570, relative to licensing antique snowmobiles.

HB 590, relative to the counsel for the department of employment security and that department's representation in court.

HB 599, relative to computer-related offenses.

HB 640, merging Merrimack Valley college into the university of New Hampshire.

HB 699, relative to storage costs for radioactive waste.

HB 729, relative to the manual for the general court.

HB 777, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years and to renewal of bond anticipation notes.

Rep. Chris Jacobson

Sen. Mark Hounsell

For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 21

Tuesday, 14 May 85

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we give thanks for this day, for our lives, and for a legislative process that gives us freedom of expression, the right to vote on how we are to live together, and respect for our rules of order.

Save us from using our laws to promote the self-interest of a few. Help us hear even the unspoken voices of need and desire within our districts.

Keep ever before us the virtue of including all our citizens. Keep us faithful in the remaining days of this session to the equality and justice for all. Amen.

Rep. Coulombe led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ames, Kohl, Matthew Locke, James Whittemore, Wells, Boisvert and McGlynn, the day, illness.

Reps. Christy, Scanlan, M. Arnold Wight, Blais, Blanchard, Chagnon, Champoux, Bruce Packard, McCain, Cate, Harold Burns and Frew, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

COMMUNICATION

Carl A. Peterson
House Clerk

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on May 1, 1985.

Hillsborough County District No. 47
(Manchester-Ward 12) Lafayette Bergeron, d,
Manchester (180 Boutwell Street) 03102.

Sincerely,
William M. Gardner
Secretary of State

INTRODUCTION OF GUESTS

Students from Proctor Academy in Andover with their teacher and former House employee, Karl Methven, guests of Rep. Rounds; 8th Grade Class from Josiah Bartlett

Elementary School and their teachers, Mrs. Day, Mr. English and Ms. Gaschott, guests of Rep. Gene Chandler; Mrs. Kathleen Mullway, guest of Rep. Gerald Smith.

SENATE MESSAGES RECALLED FROM ENROLLED BILLS COMMITTEE RECOMMITTED TO COMMITTEE

HB 634, establishing the secure psychiatric unit at the New Hampshire state prison.

REFERRED FOR INTERIM STUDY

HB 733, relative to election ballots.

HB 554, relative to the fixing of rates by the public utilities commission.

HB 334-FN, relative to the licensing of dogs.

HB 613-FN, authorizing towns to establish general reserve funds for any purpose.

HB 190, permitting access to personnel files of former employees.

HB 628, certifying clinical mental health counselors.

HB 167, establishing a department of commerce.

HB 732, relative to insurance coverage for services of persons licensed under RSA 330-A.

NONCONCURRENCE

HB 559, reducing the penalty for first offense possession of one ounce or less of marijuana to a violation.

HB 345, relative to 4 year terms for the secretary of state and the state treasurer.

HB 597, relative to the right of employees to freely decide whether to support labor organizations.

HB 339, relative to state employees bargaining rights.

HB 71, increasing the number of write in votes needed for nomination for office.

HB 496-FN, relative to special number plates for nonprofit organizations serving the mentally impaired.

HB 368-FN, reducing the fee for vanity plates.

HB 14, relative to the lien for taxes due under the interest and dividends tax.

HB 262, relative to the resale of tickets.

CONCURRENCE

HB 72, relative to the submission and certification of nomination papers and the filing period for declarations of candidacy.

HB 91, relative to counting absentee ballots.

HB 387-FN, relative to funds for the automated information system in the state library.

HB 729, relative to the manual for the general court.

HB 453, relative to theft of utility services.

HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes.

HB 599, relative to computer-related offenses.

HB 452-FN, relative to multicounty grand juries.

HB 107-FN, relative to sunset review of the environmental protection division.

HB 122-FN, relative to sunset review of division of criminal justice.

HB 153-FN, relative to sunset review of division of consumer protection and land disclosure.

HB 154-FN, relative to sunset review of eminent domain and public works and highways.

HB 235, authorizing any town or city to establish a hydroelectric fund.

HB 335, relative to procedure for charter revision or adoption.

HB 99, relative to the state guard.

HB 527, increasing the maximum size of development districts.

HB 543-FN, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed valuation.

HB 777-FN, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years and to renewal of bond anticipation notes.

HB 778-FN, authorizing cities and towns to borrow for certain planning costs.

HB 570-FN, relative to licensing antique snowmobiles.

HB 35, relative to preparing and correcting checklists in village districts.

HB 337, relative to the filing period for declarations of candidacy and for party committees.

HB 640, merging the Merrimack Valley college into the university of New Hampshire.

HB 801, relative to three lighthouses on Lake Sunapee.

HB 699, relative to storage costs for radioactive waste.

HB 557, relative to the division of children and youth services and an adoption assistance compact.

HCR 12, requesting the United States Postal Service to issue a commemorative bicentennial stamp.

HB 609, relative to comprehensive high schools.

HB 701-FN, establishing a police standards and training council within the department of postsecondary vocational-technical education.

HB 744-FN, relative to community mental health center fees, emergency hospitalization and certain rulemaking authority.

HB 766, relative to juvenile detention procedures.

HB 414, relative to the purchasing authority of the director, division of plant and property management.

HB 265, relative to boat inspectors.

HB 624-FN, relative to notice of accidents to insurance companies; insurance company liens; and licensing insurance agents and brokers.

HB 605, relative to approval of deviations from rating organization filings and regulating the issuance of certificates of insurance.

HB 534, relative to expenses incurred by the commissioner of the department of employment security.

HB 348-FN, establishing term life insurance for any governor.

HB 577, repealing the interstate commerce exemption from the consumer protection act.

HB 578, relative to the regulation of campground membership programs.

HB 253, relative to the Cooperative Alliance for Seacoast Transportations.

HB 604, relative to the return of rental vehicles.

HB 724-FN, relative to small claims litigation.

HB 363, relative to the issuance of bad checks.

HB 583, relative to alimony.

HB 654, relative to assault of children under 13 years of age.

HB 565, providing the awarding of attorneys' fees in certain contempt cases.

HB 242, relative to notifying abutters.

HB 615-FN, relative to keeping county convention records.

HB 728-FN, relative to publication of city bylaws and ordinances.

HB 183-FN, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration.

HB 581, relative to regulation of rental referral agencies.

HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax.

HB 356-FN, exempting certain transfers between brothers and sisters from New Hampshire's inheritance tax.

HB 510, modifying the reporting requirement for certain accounts of deceased persons.

HB 637-FN, regarding changes in the timber tax laws.

HB 388-FN, relative to the exemption available for stepchildren and stepparents under the legacy and succession tax.

HB 547, extending the time within which pari-mutuel pools may be sold.

HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing.

HB 625-FN, relative to pari-mutuel taxation.

HB 617-FN, relative to the regional fuel tax agreement.

HB 254-FN, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 411, amending the corporate charter of the Laconia airport authority.

HB 359, relative to driver's license revocation appeals.

HB 493-FN, relative to aircraft registration.

HB 178, relative to the members of the barbering and cosmetology board.

ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 109-FN, relative to sunset review of the division of vocational technical education.

The President appointed Sens. Johnson, Lessard and Bond.

CONCURRENCE WITH AMENDMENTS

SB 113, relative to inventory blanks.

SB 210, permitting the use of a separate ballot for proposed zoning amendments.

SB 184, establishing a task force to study the problem of indigent care in New Hampshire.

SB 131, authorizing the installation of vending machines at rest areas on the state highway system.

REQUESTS COMMITTEES OF CONFERENCE

SB 32-FN, an omnibus bill relative to public protection.

The President appointed Sens. Blaisdell, Hounsell and Wiggins.

Rep. Benton moved that the House accede. Adopted.

The Speaker appointed Reps. Benton, Welch, Ellyson and Albert Dionne.

SB 35, relative to medical review committee reports.

The President appointed Sens. Freese, Podles and Preston.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Sochalski, Fraser, Cox and Gilbreth.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 764, relative to the practice of optometry. (Amendment printed SJ 4/25)

Rep. Sochalski moved that the House concur.

Adopted.

HB 668-FN, relative to the establishment of capital reservefunds for the acquisition of land. (Amendment printed SJ 5/2)

Rep. Mann moved that the House concur. Adopted.

HB 141-FN, relative to sunset review of the office of waste management. (Amendment printed SJ 5/7)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 515, relative to the ballot law commission. (Amendment printed SJ 5/7)

Rep. Joseph Eaton moved that the House concur.

Adopted.

HCN 4, relative to the allocation of state public waters. (Amendment printed SJ 5/7)

Rep. Meader moved that the House concur. Adopted.

HB 165, relative to OHRV pilot projects requiring project committees; and limiting the liability of property owners relative to OHRVs and ATVs. (Amendment printed SJ 5/7)

Rep. Meader moved that the House concur. Adopted.

HB 643, adding representatives from postsecondary vocational-technical education to the postsecondary education commission. (Amendment printed SJ 5/7)

Rep. William Boucher moved that the House concur.

Adopted.

HB 113-FN, relative to sunset review of vocational rehabilitation. (Amendment printed SJ 5/7)

Rep. William Boucher moved that the House concur.

Adopted.

HB 114-FN, relative to sunset review of vocational rehabilitation education programs. (Amendment printed SJ 5/7)

Rep. William Boucher moved that the House concur.

Adopted.

HB 538-FN, permitting alpine slide facilities to sell liquor. (Amendment printed SJ 5/9)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 103-FN, relative to sunset review of sweepstakes commission. (Amendment printed SJ 5/9)

Rep. Kenneth MacDonald moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. MacDonald, Kelley, Robert Mason and Reardon.

HB 132-FN, relative to sunset review of parks and recreation. (Amendment printed SJ 5/9)

Rep. Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Meader, Vaughn, Lewis and Blair.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way. (Amendment printed SJ 5/9)

Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bibbo, Walter, Stio and Kincaid.

HB 108-FN, relative to sunset review of personnel department, administrative support division. (Amendment printed SJ 5/7)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Russell, Hutchings and Harold Watson.

HB 106-FN, relative to the sunset review of the office of state negotiator. (Amendment printed SJ 5/2)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Russell, Schofield and Harold Watson.

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police. (Amendment printed SJ 5/9)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rounds, Arthur Locke, Young and Clancy.

ENROLLED BILLS AMENDMENTS

SB 149, eliminating the position of city sealer of weights and measures in Manchester and Nashua.

Amendment

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

1 Positions Eliminated. Amend RSA 438:16 (supp) as inserted by 1985, 72:1 by striking out in line 1 the word "There" and inserting

Amend section 1 of the bill by striking out line 5 and inserting in place thereof the following:

438:16 City Sealers of Weights and Measures; Appointment. With the

This amendment changes the RSA section number amended from RSA 359-A:16 to RSA 438:16 to reflect the recodification and relocation of certain RSA chapters in HB 25 (Chapter 72).

Adopted.

HB 146, relative to sunset review of the New Hampshire distributing agency.

Amendment

Amend section one of the bill by striking out line one and inserting in place thereof the following:

1 Surplus Distribution Section Created. Amend RSA 21-I:12, I by inserting

Amend the bill by striking out the section 3 titled "Effective Date."

This amendment corrects a typographical error in section one of the bill and strikes out the original section 3 which was superseded by the Senate amendment.

Adopted.

HB 744, relative to community mental health center fees, emergency hospitalization, and certain rulemaking authority.

Amendment

Amend section 8 by striking out line one and inserting in place thereof the following:

8 Report. The committee established in section 7 of this act shall

This amendment corrects a typographical error.

Adopted.

HB 801, relative to three lighthouses on Lake Sunapee.

Amendment

Amend 1981, 163:3 as inserted by section 3 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

163:3 Title to Lighthouses. Notwithstanding the right to maintain the lighthouses on Lake Sunapee granted to the Lake Sunapee Protective Association under 1981,

This amendment inserts a section heading which was inadvertently omitted.

Adopted.

HB 776, relative to the administration of the children's study home.

Amendment

Amend RSA 186-C:19, IV as inserted by section 7 of the bill by striking out line 5 and inserting in place thereof the following:

handicapped child, such institution shall be utilized by a local

Amend paragraph II of section 10 of the bill by striking out line 4 and inserting in place thereof the following:

a part of the administration of the duties

This amendment corrects 2 typographical errors in the bill.

Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 143 was removed at the request of Rep. Wayne King.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

SB 189-FN, providing cost of living increases to teachers who retired prior to 1957. Ought to Pass.

This bill gives additional funds to supplement their retirement income. The teachers were never a part of the New Hampshire Retirement System. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

SB 119-FN, establishing a missing child register. Inexpedient to Legislate.

The Committee finds that HB 434 provides a more effective and economical means of handling and tracking information on missing children. This bill, SB 119-FN, would require the Division of Children and Youth to duplicate facilities already in use for law enforcement. HB 434 will utilize these already existing facilities which are now connected to NCIC. This will provide a more professional approach, prevent duplication and save money. Vote 18-0. Rep. Joe B. Parks for Children, Youth and Elderly Affairs.

SB 195, creating a children's trust fund study committee. Ought to Pass.

This bill creates a committee composed of a member of the House of Representatives, a member of the Senate, and a person appointed by the Governor to study the feasibility of establishing a trust fund to be used for the purposes of preventing child abuse and neglect and improving services to abused and neglected children. Vote 15-0. Rep. Pamela B. Bean for Children, Youth and Elderly Affairs.

SCR 6, relative to supreme court rules and child abuse victims. Ought to Pass. The Committee believes the State Court System should recognize that child abuse victims need protection from emotional trauma during the trial proceedings. This resolution requests the Supreme Court to adopt uniform rules which the Committee believes would benefit these child victims. Vote 14-0. Rep. Rick Newman for Children, Youth and Elderly Affairs.

SB 55, removing the executive director of the water supply and pollution control commission from the plumbers' licensing board. Ought to Pass.

The bill was requested by the Water Supply and Pollution Control Commission and does not diminish any authority in the Commission. The Plumbers' Licensing Board is in agreement. Vote 16-0. Rep. Ann Torr for Executive Departments and Administration.

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board. Ought to Pass with Amendment.

Senate Bill 64 transfers responsibility for administration of the State Plumbing Code from Water Supply and Pollution Control Commission to the Plumbers' Licensing Board. This bill does not diminish home rule nor impede the authority of the Water Supply and Pollution Control Commission. Vote 13-1, 1 Rule 16. Rep. Ann Torr for Executive Departments and Administration.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Plumbers Board; Water Supply and Pollution Control. Amend RSA 329-A:3 by inserting after paragraph II the following new paragraph:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the water supply and pollution control commission.

4 Effective Date. This act shall take effect 60 days after its passage.

SB 70, relative to the board of dental examiners. Refer for Interim Study.

This bill deals with issues that are also under study for the Medical Board and are greatly dependent on Right-to-Know Laws. It was felt that this bill also needs to be studied to insure that all boards are in concert. Vote 20-0. Rep. William F. McCain for Executive Departments and Administration.

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system. Ought to Pass.

This bill reopens a time window during which city and town managers may withdraw accumulated contributions from the Retirement System for the purpose of contributing them instead to the International City Management Retirement Corporation. The withdrawal of funds from the Retirement System is offset by reduced liability of the system. Vote 18-0. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Referred to Appropriations.

SB 138-FN, amending the administrative procedure act. Ought to Pass.

This bill was requested by the Joint Legislative Committee on Administrative Rules. It is a housekeeping bill to enable the Committee to act more effectively and efficiently. Vote 16-0. Rep. Ada L. Mace for Executive Departments and Administration.

SB 141, establishing a committee to study the reduction of benefits provision for group I members of the New Hampshire retirement system. Refer for Interim Study.

The Committee feels several areas of the retirement plan should be studied in addition to the area in the proposed bill and that this work should be conducted by the Legislative Committee rather than a special committee. Vote 18-1. Rep. Jack H. Schofield for Executive Departments and Administration.

SB 199, relative to a reorganized department of revenue administration. Ought to Pass.

This legislation provides for an alignment within the existing Department of Revenue Administration which streamlines the operational efficiency

and provides clear lines of accountability for the total structure. Vote 16-1. Rep. William F. McCain for Executive Departments and Administration.

SB 20, adopting the uniform transfers to minors act. Ought to Pass.

This bill would supersede the Uniform Gifts to Minors Law adopted in New Hampshire thirty years ago and brings the old law up-to-date. It broadens the types of transfers to minors to include transfers from trusts, estates and guardianships as well as the gifts covered by the previous law. Older members of the House will be glad to know that this bill will make it more convenient for grandparents to transfer property in trust for their grandchildren. Vote 12-0. Rep. Francis E. Robinson for Judiciary.

SB 52-FN, establishing an advisory committee on rules of evidence. Ought to Pass with Amendment.

This bill creates a committee to study rules of evidence, concentrating in those areas where statutes and rules are redundant. The amendment changes the constitution of the committee to consist of 3 members of the House Judiciary Committee, 2 members of the Senate Judiciary Committee, the Attorney General or his designee, and the President of the New Hampshire Bar Association or his designee. Vote 20-0. Rep. Charles F. Bass for Judiciary.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Committee Established. There is hereby established the advisory committee on rules of evidence. The members of the committee shall be:

I. Three members of the house judiciary committee selected by the speaker of the house.

II. Two members of the senate judiciary committee selected by the president of the senate.

III. The president of the New Hampshire bar association or his designee.

IV. The attorney general or his designee.

SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances. Ought to Pass with Amendment.

This bill provides that shareholders have a right to obtain payment in certain circumstances when the assets of a corporation are leased. Current law recognizes this right only when there is sale or exchange of the assets of a corporation. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

allowing shareholders to obtain payment for shares upon a lease of corporate property.

Amend the bill by striking out section 2 and renumbering the original section 3 to read as 2.

SB 67, relative to the execution of wills. Ought to Pass.

This bill changes the number of witnesses required for a valid will from 3 to 2, modifies the affidavit which makes a will self-proving, and validates non self-proving wills made after December 31, 1983. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

SB 96, relative to patient consent. Refer for Interim Study.

This bill attempts to delineate who can or cannot give consent for a person to have medical treatment. The Committee believes that there are serious problems with the bill as currently written. Interim study will allow the Committee enough time to work out an effective solution. Vote 15-2. Rep. Marc Chretien for Judiciary.

SB 105, relative to foreclosure sales of mortgaged premises. Ought to Pass with Amendment.

This bill, as amended, clarifies statutes concerning publication of notice of foreclosure sales of mortgaged premises. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to notice of foreclosure sales of mortgaged premises.

Amend the bill by striking out section one and renumbering the original sections 2 and 3 to read as 1, and 2, respectively.

SB 171, relative to sentencing for driving while intoxicated offenses. Inexpedient to Legislate.

This bill would force those convicted of DWI to go to an alcohol education program regardless of whether or not the person intends to apply for a driver's license. Forced education is only rarely successful, especially when the person has no clear goal in mind. Vote 18-0. Rep. Alf E. Jacobson for Judiciary.

SB 183, relative to delinquents.
Inexpedient to Legislate.

This bill concerns laws relating to juvenile delinquents. The Committee believes that imposing mandatory fines on parents and allowing the publication of names of convicted juveniles would have a detrimental effect on both juvenile offenders and their parents, foster parents or guardians. Vote 13-0. Rep. Marc Chretien for Judiciary.

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions. Ought to Pass with Amendment.

The bill, as amended, provides that in personal actions the plaintiff shall not specify in his declaration the amount of damages claimed. This "ad damnum clause" or statement of money loss is often misleadingly used and sometimes causes the defendant undue expense in defending actions that unnecessarily exceed insurance limits. The defendant, judge and jury will still be able to have this information. Vote 14-1. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to eliminating the
ad damnum clause.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Elimination of Ad Damnum. Amend RSA 508 by inserting after section 4-b the following new section:

508:4-c Elimination of Ad Damnum Clause. In any personal action, the declaration or other affirmative pleading shall not specify or allege the amount of damages claimed, but shall, instead, state that the damages claimed are within any minimum or maximum jurisdictional limits of the court to which the pleading is addressed.

2 Effective Date. This act shall take effect January 1, 1986.

SB 97, relative to certain documents required to be kept in the state house visitors' center. Ought to Pass.

This bill assures that our most important documents, the Declaration of Independence and the Bill of Rights, will be displayed in the Visitors' Center, at appropriate times, with the maximum protection of all types. The Secretary of State will be responsible for the documents when they are not in the Visitors' Center. Vote 15-0. Rep. Richardson D. Benton for Legislative Administration.

SB 148-FN, relative to the fee charged by municipalities for uncollectible checks. Inexpedient to Legislate.

The subject matter of this bill is thoroughly covered in HB 333. Vote 16-0. Rep. George M. West for Municipal and County Government.

SB 167, permitting the delegation of site plan review powers. Inexpedient to Legislate.

The testimony by the proponents of this bill indicated that its purpose was to enable expeditious handling of the planning board's site plan review duties. The Committee is unanimous in concluding that (1) present law already provides for efficient and expeditious handling, (2) the rights and interests of the public are best served by retaining present provisions whereby approval authority is vested in a group of citizens appointed or elected for that purpose. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

SB 12, prohibiting the importation and sale of Union of Soviet Socialist Republic manufactured vodka in New Hampshire. Inexpedient to Legislate.

The Committee felt that it was not the place in the New Hampshire Legislature to attempt to regulate commerce. That is the power of the United States Commerce Commission. Testimony from the United States Trade Representative and the New Hampshire Attorney General's Office confirms this decision. It is the responsibility of the Liquor Commission to list and de-list items for sale in the Liquor Stores. It is not the intent of this Committee to be making these policy decisions. Vote 18-0. Rep. James D. Phelps for Regulated Revenues.

SB 154, allowing the liquor commission to impose an administrative fine in addition to revocation and suspension. Inexpedient to Legislate.

The Committee felt that the fines were not adequate to prevent abuses. Other aspects of the bill are being considered in another bill which was sent to interim study. Vote 16-0. Rep. Patti Blanchette for Regulated Revenues.

SB 170, enabling the liquor commission to lease space in its stores for placing automatic teller machines. Ought to Pass with Amendment.

Placement of automated teller machines in high volume liquor stores will reduce credit card sales and therefore Liquor Commission costs to administer those credit card sales. The amendment is a housekeeping measure of the Liquor Commission related to wine pricing. Vote 16-0. Rep. James D. Phelps for Regulated Revenues.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

enabling the liquor commission to lease space in its stores for placing automatic teller machines and establishing the retail price of wines sold by licensees.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Price Restricted. Amend RSA 178-A:4, I (supp) as inserted by 1978, 3:1 by striking out said paragraph and inserting in place thereof the following:

I. Retail prices of wines sold under the provisions of this chapter shall not be less than the selling price of such wines in the state liquor stores as established by the liquor commission.

3 Effective Date.

I. Section one of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect June 1, 1985.

SB 36, relative to the disposal of sewage and the abatement of nuisances. Ought to Pass.

Under this bill, municipalities may make regulations which impose more stringent requirements for disposal of sewage and abatement of nuisances than those enumerated in present law. Vote 19-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

SB 91, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities. Ought to Pass with Amendment.

This bill, as amended, allows municipalities which have been sited by Water Supply and Pollution Control Commission to construct sewage disposal facilities to utilize state funds without benefit of federal grants. Also, a revolving loan fund study is set up to consider ways that municipalities may be assisted in such construction projects. Vote 14-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend RSA 149-B:1-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

149-B:1-b Alternate State Contribution. Any of the municipalities of Derry, Salem, Wolfeboro, Hampton, Sunapee, Rochester, Laconia or any other municipality in receipt of an order issued by the water supply and pollution control commission according to its priority criteria to undertake the construction of sewage disposal facilities in accordance with the provisions of RSA 148 or 149 without the benefit of a federal grant is entitled to an alternate state contribution. This

alternate contribution shall consist of the payment of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the water supply and pollution control commission or is an undertaking designed to control or reduce pollution in the ground or surface waters of the state, as defined in RSA 149:1, and provided that the plan for the facilities is approved in accordance with RSA 148:25. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

Amend RSA 149-B:1-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

149-B:1-c Limitation of Guarantee. If any one of the municipalities of Derry, Salem, Wolfeboro, Hampton, Sunapee, Rochester, Laconia or any other municipality in receipt of an order issued by the water supply and pollution control commission according to its priority criteria to undertake the construction of sewer disposal facilities pursuant to RSA 149-B:1-b proceeds with such construction, the state shall limit its guarantee of the construction bonds for said facilities to 25 percent of the total cost for the construction of that municipality's sewage disposal facilities.

Amend 1983, 335:4, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. If any one of the municipalities of Derry, Salem, Wolfeboro, Hampton, Sunapee, Rochester, Laconia or any other municipality in receipt of an order issued by the water supply and pollution control commission according to its priority criteria desires to proceed with the construction of sewage disposal facilities under the provisions of RSA 149-B:1-b and RSA 149-B:1-c, the water supply and pollution control commission may issue a state order for design and commencement of construction during the biennium ending June 30, 1987.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Commission Authority to Investigate a Revolving Loan Fund. The water supply and pollution control commission is hereby authorized to investigate, in cooperation with the environmental protection agency,

under such guidelines as may be established under the Federal Clean Water Act, as amended, the feasibility of creating a state revolving loan fund to assist municipalities, as defined in RSA 149-B:1, in defraying the cost of constructing pollution control facilities required under the provisions of RSA 148 and 149. Said investigation shall include, but not be limited to, such matters as capitalization methods for the fund, terms and conditions under which loans may be made available to municipalities, maximum loans to be made available, methods for repayment of loans to the fund, and such other factors as are pertinent to the creation of a revolving loan fund for the purposes stated herein. The commission shall report its findings and proposed recommendations to the general court no later than January 1, 1986.

6 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

SB 132, authorizing the water supply and pollution control commission to purchase liability insurance. Ought to Pass with Amendment.

Passage of SB 132, as amended, will make it possible for those small communities which meet the criteria to save money on construction grants projects and take advantage of additional federal funds. It also provides for a study to determine the most beneficial practices regarding chlorination of waste water to be performed by Water Supply and Pollution Control Commission in conjunction with Public Health Services. The study will incorporate both public health and environmental concerns. Vote 13-2. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the water supply and pollution control commission to purchase liability insurance and to engage in disinfection research.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission Duties. Amend RSA 149:4, IX as inserted by 1965, 267:8 as amended by striking out said paragraph and inserting in place thereof the following:

IX. To set standards of design and construction for sewerage and sewage or waste treatment systems. To reject, if necessary, or modify and approve as deemed necessary for the purposes of the state water pollution control program all engineering or other documents associated with the design and construction of

pollution control projects and perform such other related engineering or inspectional work as will provide for proper design, construction and operation of the facilities involved, and take such other action as the commission deems necessary to maximize the effectiveness of sewerage and other pollution control facilities, both proposed and in construction. The purpose of this paragraph is to ensure the planning, construction and operation of publicly owned pollution control facilities which in the judgment of the commission will produce maximum benefits with the least expenditure of federal, state and local funds. The commission is hereby authorized to purchase professional liability insurance annually in order to provide coverage in connection with resident construction engineering services which may be made available to municipalities by the commission for projects undertaken with benefit of a federal grant under the provisions of this chapter; provided, however, that no construction engineering services shall be provided to any municipality with a population of greater than 3,000 according to the 1985 office of state planning estimates, nor when the estimated project costs exceed \$2,000,000.

2 Research in the Disinfection of Sewage Treatment Plant Effluents. The water supply and pollution control commission, in accordance with the provisions of RSA 149 and in consultation with the division of public health services with regard to appropriate health risk assessment measures, is hereby authorized to perform studies and research to evaluate the feasibility of establishing seasonal water quality standards and requirements for the disinfection of sewage treatment plant effluents. To achieve this objective, the commission may grant municipalities, on a case by case basis, permission to reduce, to suspend, or otherwise to modify the application of disinfection chemicals to treatment plant effluents during the periods of October 30, 1985, to April 1, 1986, and October 30, 1986, to April 1, 1987, provided that downstream water is regularly monitored in each case to assess any potential risk to human health. In the event that an unacceptable health risk should be discovered, appropriate action shall be immediately taken to abate said risk. The commission shall present its findings and recommendations concerning said study and research in the form of a report to the general court not later than September 30, 1986.

3 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

SCR 7, urging the United States Internal Revenue Service to repeal its ruling concerning keeping adequate contemporaneous records. Ought to Pass.

This resolution calls on the IRS to repeal its infamous "automobile log book" ruling and additionally urges simplification of the tax code. Vote 12-0. Rep. Donna P. Sytek for State-Federal Relations.

SB 109, relative to appointment of members to the housing finance board. Ought to Pass with Amendment.

This bill makes the following changes to the Housing Finance Board: it establishes a staggered term system for board members, it insures that the composition of the board include both men and women and that one member of the board be in the business of selling or renting real estate. Vote 12-0. Rep. Barbara A. Fried for State Institutions and Housing.

Amendment

Amend RSA 204-C:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

204-C:3 Housing Finance Board. The powers of the authority shall be vested in 9 members, comprised of men and women, to be appointed by the governor with the advice and consent of the council. One member of the board shall be a person having experience in the construction of single-family real estate; one member shall be a person having experience with the business of selling or renting real estate; one member shall be a person having experience in residential mortgage banking; and at least 2 members shall be persons representing the general public who are neither bankers, builders, nor in the business of selling or renting real estate. No more than 5 members shall be of the same political party. The governor shall appoint annually a chairman and the members shall elect annually from among their number a vice-chairman and such officers as they may determine. Terms of board members shall be 5 years, except that all vacancies shall be filled for the unexpired term. In 1986, members shall be appointed to the following terms: one member to a one year term, 2 members to a 2 year term, 2 members to a 3 year term, 2 members to a 4 year term, and 2 members for a 5 year term. No member may serve more than 2 full consecutive terms. No member of the board shall serve on any other state board, commission, or in any other state agency during his term of office as a member of the housing finance board. A member shall hold office until his successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out his duties under this chapter.

SB 163, increasing the housing finance authority's bonding authority. Ought to Pass.

This bill increases the bonding authority of the New Hampshire Housing Finance Authority from \$100,000,000 to \$600,000,000. This authority in no way obligates the State of New Hampshire to guarantee the bonds issued. The Authority presently enjoys a superior credit rating from Standard and Poore's and Moody's. The loan default rate for mortgages is 1/10 of 1 percent which is

considerably below the national average. General fund revenue increases are expected from business profits taxes, etc. from 3 million in FY 1986 to 9.8 million in FY 1989. Vote 12-0. Rep. Ralph Parker for State Institutions and Housing.

SB 142-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test, or if the results of such tests show that a DWI offense has been committed. Inexpedient to Legislate.

The Committee felt SB 142-FN needed refinement and the requirement of additional data before final commitment to passage could be made. There was also testimony that the extension of "administrative revocations" authority to police officers would become an "administrative headache" for the Division of Safety services. Vote 10-1. Rep. George N. Katsakiores for Transportation.

SB 156, relative to the definition of a "way." Ought to Pass with Amendment. The amendment to this bill clarifies the definition of "way" as applied to three specific areas, namely-- reckless driving, driving under the influence of drugs or liquor and aggravated driving while intoxicated. The Committee feels that the action will solve the problem which led to the introduction of the bill. Vote 8-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 259:125, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. For the purposes of RSA 265:79, RSA 265:82, and RSA 265:82-a, any public highway, street, avenue, road, alley, park, parking lot or parkway; any private way laid out under authority of statute; ways provided and maintained by public institutions to which state funds are appropriated for public use; any privately owned and maintained way open for public use; and any private parking lots, including parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

SB 193-FN, relative to parking in cities of over 90,000 persons. Inexpedient to Legislate.

This appears to be a bill aimed at solving a problem that exists for a small area of the state. Information collected prior to executive session indicates that there are ways to deal with the problem or possibly eliminate it. The Committee felt it would be unwise to adopt the specific provisions of the bill, at this time. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

SB 42-FN, to phase out the interest and dividends tax. Inexpedient to Legislate.

It was the consensus of the Committee that it is inappropriate to repeal a present source of revenue with no other source available to replace this revenue. Vote 16-4. Rep. Robert H. Grip for Ways and Means.

SB 85-FN, relative to the sale and distribution of cigarettes. Refer for Interim Study.

The Committee is of the opinion that this bill addresses a growing concern over the sale of cigarettes to individuals less than 18 years of age. However, the Committee believes that there are certain flaws in the bill as presently constructed which should be corrected, for example, there should be a section defining terms, such as, "operators;" the problem of enforcement should be addressed; and the placement of vending machines should be examined. Vote 17-2. Rep. Henry Whitcomb for Ways and Means.

SB 118-FN, relative to timely filing of returns under the meals and rooms tax. Ought to Pass with Amendment.

The Committee agreed to extend the time required to file the rooms and meals taxes from 10 to 15 days, but decided to continue the present methodology of filing tax returns in view of limited time to review the implications involved in any changes. Vote 13-6. Rep. Robert C. Hayes for Ways and Means.

Amendment

Amend RSA 78-A:8, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. Notwithstanding the provisions of any other law, returns and remittances due under this chapter shall be considered timely only if received by the department of revenue administration on or before the fifteenth day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

SB 174-FN, exempting transfers of title between nonprofit hospitals from the real estate transfer tax. Refer for Interim Study.

This bill was received very late, so that the Committee had little time to study the bill, particularly the fiscal impact. However, the subject deserves further study. Vote 17-3. Rep. Frederick G. Ahrens for Ways and Means.

SB 181, relative to the collection of the gasoline tax. Inexpedient to Legislate. The Subcommittee felt the present system is working satisfactorily, and the proposed amended version, would raise administrative and auditing problems. Vote 20-0. Rep. Barbara Zeckhausen for Ways and Means.

COMMITTEE REPORTS (Regular Calendar)

SB 1-FN, relative to the settlement laws. Ought to Pass with Amendment.

Senate Bill 1 abolishes settlement and includes the following proposals: (A) General assistance would become the sole province of cities and towns, eliminating county involvement. (B) The local share of the State administered categorical programs (OAA, APTD, INC) would be paid for by the counties, eliminating city and town involvement. (C) The State would be responsible for 75% of the cost associated with court committed juveniles and the counties 25%, eliminating city and town involvement. Effective date January 1, 1986. Vote 18-1. Rep. Ednaparl F. Parr for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 165:1, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

1. Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

Amend RSA 165:1-b as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

165:1-b Nonresidents. Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Amend RSA 167:18-a as inserted by section 33 of the bill by striking out same and inserting in place thereof the following:

167:18-a Reimbursement of Funds. Commencing on January 1, 1974, all expenditures in carrying out the purposes of this chapter or RSA 161, except as provided in RSA 167:18-b relative to old age assistance or aid to the permanently and totally disabled, shall be made in the first instance from the public assistance fund hereby created, but each county shall, make monthly payments to the state for the amounts due under this section within 30 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent thereof.

Amend RSA 167:18-b as inserted by section 34 of the bill by striking out same and inserting in place thereof the following:

167:18-b Reimbursement of Funds for Recipients in Nursing Homes. Commencing July 1, 1973, all expenditures in carrying out the purposes of this chapter or RSA 161 relative to old age assistance or aid to the permanently and totally disabled recipients

who are in nursing homes shall be made in the first instance from the public assistance fund hereby created, but each county shall, make monthly payments to the state for the amounts due under this section within 30 days from notice thereof and shall reimburse said fund for all assistance granted to persons for which such county is liable, to the extent of 50 percent of the non-federal share.

Amend RSA 169-B:40 as inserted by section 37 of the bill by striking out same and inserting in place thereof the following:

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the division of children and youth services, department of health and human services. The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state. The state may, within 30 days from the receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state.

III. The office of institutional collections acting on behalf of Laconia state school and training center and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.

Amend RSA 169-C:27 as inserted by section 38 of the bill by striking out same and inserting in place thereof the following:

169-C:27 Liability of Expenses and Hearing on Liability.

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the division of children and youth services, department of health and human services. The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's

support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state. The state may, within 30 days from receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the child's support and necessities, to the state.

III. The office of institutional collections acting on behalf of Laconia state school and training center and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. When determining the amount of reimbursement, all services liable shall be included except services which are already the responsibility of the appropriate school district under RSA 186-C.

Amend RSA 169-D:29 as inserted by section 39 of the bill by striking out same and inserting in place thereof the following:

169-D:29 Liability of Expenses and Hearing on Liability.

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the division of children and youth services, department of health and human services. The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay.

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state. The state may, within 30 days from receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information including names and addresses of persons chargeable by law for the child's support and necessities, to the state.

III. The office of institutional collections acting on behalf of Laconia state school and training center and the New Hampshire hospital is authorized to compromise or reduce any expense to be charged to the state.

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under this chapter. When determining the amount

of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.

Amend RSA 170-G:4, XIV as inserted by section 43 of the bill by striking out same and inserting in place thereof the following:

XIV. Encourage cities, towns and counties to develop and maintain court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated to the division for children and youth services in each fiscal year, and the method of distribution shall be based upon rules adopted under RSA 541-A by the director.

Amend section 26 of the bill by striking out same and inserting in place thereof the following:

26 County Reimbursement. Amend RSA 170-G by inserting after section 8 the following new section:

170-G:9 County Reimbursement. County payments due under RSA 169-B:40, 169-C:27 and 169-D:29 shall be paid to the division for children and youth services on a monthly basis within 30 days' notice of the amount due to the state. Delinquent payments due under these chapters, with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

Amend the bill by striking out section 51 and inserting in place thereof the following:

51 Repeal. The following chapters and sections of RSA are hereby repealed:

- I. RSA 164-A, relative to settlement.
- II. RSA 165:6, relative to limitations on eligibility for assistance.
- III. RSA 165:12, relative to withholding names of certain recipients of aid.
- IV. RSA 165:13, relative to inspection of accounts.
- V. RSA 165:15, relative to the soldiers home.
- VI. RSA 166:6, relative to binding out of assisted persons.
- VII. RSA 167:18, relative to reimbursement of funds.
- VIII. RSA 167:18-c, relative to settlement law and municipal reimbursement.
- IX. RSA 170-F:6, II, relative to the expense for foster children.
- X. RSA 166:13, relative to penalties for bringing indigents into a county.

Amend the bill by striking out section 52 and inserting in place thereof the following:

52 Retroactive Recovery Permitted. In order to assure appropriate recovery for payments made by towns and counties prior to the effective date of this act, any billing issued by the state to a town or county prior to the effective date of this act shall be resolved in accordance with the laws in effect at the time the liability was established.

53 Effective Date. This act shall take effect January 1, 1986.

Amendment Adopted.

Rep. Parks spoke against the Committee report.

Rep. Ahrens spoke in favor of the Committee report.

Referred to Appropriations.

Rep. Welch notified the Clerk that he wished to be recorded against SB 1.

SB 2, relative to child victims and child abuse. Ought to Pass with Amendment. Senate Bill 2 provides for video tape depositions of child victims. The amendment pertains to the age of children who will be video taped. The ages according to the amendment will be 16 years of age and under, children 13 and under will always be video taped unless there is a request not to video tape the child. In cases where there is a request to not video tape, the court will make the decision. The ages of 16 and 13 were decided on after discussions with a child psychiatrist who indicated that by age 14 most children were mature enough to have some input into the decision about being video taped. This bill allows the court to order video tape depositions of 14, 15 and 16 year old children. The amendment also strengthens the penalties to those convicted of sexually assaulting children. Vote 18-0. Rep. Mary Jane Wallner for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 517:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

517:13 Taking of Depositions. The respondent in a criminal case may take the discovery deposition of any person in his defense, upon giving the same notice of the caption thereof to the prosecutor that is required to be given to the adverse party in a civil case. Any discovery deposition so taken may be used on the trial of the case whenever, in the discretion of the court, the use thereof shall be deemed necessary for the promotion of justice. Notwithstanding this section, no party in a criminal case in which the victim, at the time of the alleged offense, was 16 years of age or under, shall take the discovery deposition of the victim or any witness who was 16 years of age or under at the time of the alleged offense.

Amend RSA 517:13-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

517:13-a Video Tape Deposition
Authorized.

I. In any criminal case, any party may move to take a video tape deposition of any witness, including the victim, who was 16 years of age or under at the time of the alleged offense. Any victim who was 16 years of age or under may also move to take a video tape deposition of his testimony. The court shall grant an order authorizing a video tape deposition if it finds by a preponderance of the evidence that:

(a) The child will suffer emotional or mental strain if required to testify in open court; or

(b) Further delay will impair the child's ability to recall and relate the facts of the alleged offense.

II. In any criminal case, if a witness is under 13 years of age, a video tape deposition shall be taken unless the court finds, after a hearing, by the preponderance of the evidence, that it is in the interest of justice to allow testimony in open court.

III. A video tape deposition taken pursuant to this section shall be conducted before the judge or court appointed master, at such a place as ordered by the court, in the presence of the prosecutors, the defendant and his attorneys, and such other persons as the court allows. Examination and cross-examination of the child shall proceed in the same manner as permitted at trial. Such deposition shall be admissible into evidence at trial in lieu of any other testimony by the child.

IV. Unless otherwise ordered by the court for good cause shown, no victim or witness whose deposition is taken pursuant to this section shall be required to appear or testify at trial.

V. Any witness who is 16 years of age or under shall be allowed to have his parent or other appropriate adult present during his testimony.

VI. The supreme court shall make any rules necessary to implement the provisions of this section.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Length of Term. Amend RSA 651:6, II(c) as inserted by 1973, 370:3 by striking out said subparagraph and inserting in place thereof the following:

(c) Murder, life imprisonment;

(d) A third offense under RSA

632-A:2 or 632-A:3, life imprisonment; or

(e) A class A felony under RSA 632-A:2, XI and a subsequent separate offense under RSA 632-A:2, XI, a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole.

Amendment adopted.

Ordered to third reading.

SB 125-FN, relative to compensation for members of the board of dental examiners. Inexpedient to Legislate.

This bill has two issues: (1) raising the per diem amount of Board members, and (2) to pay the Executive Director of Dental Health for his services. The

majority of the Committee felt that both points were more appropriately handled by the budget process. Vote 14-5. Rep. William F. McCain for Executive Departments and Administration.

Resolution adopted.

SB 214, prohibiting abortions performed on certain minors without parental consent.

Majority: Inexpedient to Legislate.

Minority: Ought to Pass.

MAJORITY: This Senate bill, though it references "parental consent," is just another attempt to have the House outlaw abortion. The Committee feels that the bill is unworkable, puts an unnecessary and unfunded burden on the judicial system, and is punitive in nature. Vote 14-7. Rep. Eugene S. Daniell, Jr. for the Majority of Health and Human Services.

MINORITY: The minority felt that parents having the responsibility for the welfare of their minor children in every other respect should not be prevented from a decision as serious as the consideration of abortion. (Rep. Alberta Z. Clay for the Minority of Health and Human Services.)

Rep. Clay moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Daniell, Fraser and Copenhaver spoke against the motion.

Reps. Bolduc, John Burns and Dexter spoke in favor of the motion and yielded to questions.

Reps. Newman and Hager spoke against the motion and yielded to questions.

Rep. Coulombe spoke in favor of the motion.

Rep. Krasker moved that further consideration of SB 214 be laid upon the table.

A roll call was requested. Sufficiently second.

(Speaker presiding)

YEAS 196 NAYS 169

YEAS 196

BELKNAP: Birch, Bowler, Brown, Hardy, Pearson and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Saunders.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Daniel Eaton, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, Secord and William Sullivan.

COOS: Brideau, Chappell, Chardon, Mayhew, Ottolini and York.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Wayne King, LaMott, Mann, Rounds, Taffe and Walter.

HILLSBOROUGH: Ahrens, Barry, Bass, Robert Blanchette, Boutwell, Leslie Burns, Crotty, Dupont, Dwyer, Dykstra, Clyde Eaton, Nancy Ford, Fried, Scott Green, Marian Harrington, Hendrick, Herod, Hyman, Michael Jones, Levesque, Lown, Howard Mason, Morrisette, Murphy, Newcombe, O'Rourke, Bonnie Packard, Pappas, Perham, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Philip Rodgers, Sallada, B. P. Smith, Leonard Smith, Steiner, Stonner, Van Loan, Wagner, Geraldine Watson, Harold Watson, Winn, Lucille Wood and Zis.

MERRIMACK: Bardsley, Laurent Boucher, James Chandler, Connolly, Daniell, Fraser, Gilbreth, Hager, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Pannell, Phelps, Savaria, Gerald R. Smith, Stio and Walner.

ROCKINGHAM: Bangs, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Case, Connors, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Malcolm, Robert Mason, McKinney, Nagel, Newman, Pantelakos, Parr, Pevear, Popov, Raynowska, Romoli, Sanderson, Scamman, Schmidtchen, Simon, Sloan, Sochalski, Splaine, Stachowske, Tufts, Vartanian and Woodward.

STRAFFORD: Appleby, Bates, Bernard, Bryant, Burton, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Keans, Kincaid, O'Brien, Pelley, Francis Robinson, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Disnard, Paul Johnson, Lindblade, Meghan, Schotanus, Spaulding and Sara Townsend.

NAYS 169

BELKNAP: Bolduc, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Randall and James J. White.

CARROLL: Gene Chandler, Russell Chase, McIntire and Schofield.

CHESHIRE: Delano, Frink, Irvin Gordon, Elmer Johnson, Ridge, Thompson and Young.

COOS: Brungot, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh and Theriault.

GRAFTON: Bennett, Blair, Duggan, McAvoy, Stewart, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Arnold, Arris, August, Beaupre, Bergeron, Bernier, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, John Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Ducharme, Duperron, Duprey, Durant, Joseph Eaton, Fields, Gagnon, Healy, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Lozeau, Martin, McCue, Elizabeth

Moore, Nelson, Nute, Paquette, Paradis, Pariseau, Parmenter, Pellow, Prestipino, Frances Riley, Shriver, Mary Sullivan, Sylvia, Tamposi, Turgeon, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Frank Whitemore and Worthen.

MERRIMACK: Anderson, Barberia, Bibbo, Bowes, Cailler, George Gordon, Gross, Hayes, Mary Holmes, Jelley, Arthur Locke, Pantzer, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Shepard and West.

ROCKINGHAM: Benton, Blaisdell, Butler, Lawrence Chase, Clay, Conroy, Day, Ellyson, Emanuelson, Goss, Gourdeau, Phyllis Katsakiores, Mace, Magoon, Benjamin Moore, Palumbo, Quimby, Norman Rogers, Rosencrantz, Seward, Sherburne, Skinner, Sytek, Titone, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Berkey, Callahan, Dingle, Robert Jones, Laurion, Lussier, Meader, Musler, Parks, Spear, Ralph Torr and Whitting.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram, McKee, Normandin and Rodeschin, and the motion was adopted.

SB 214 was laid upon the table.

SB 16, relative to the statute of limitations for personal actions. Refer for Interim Study.

After three hearings and an avalanche of material, the Committee is not yet convinced that the statute of limitations in personal actions should be reduced from 6 years to 3. Although the current law has served us well for over 150 years, the problems encountered in the area of medical malpractice and products liability deserve further examination and possible solution. Vote 18-1. Rep. Donna P. Sytek for Judiciary.

Referred for Interim Study.

SB 38, relative to the integrated bar. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: In 1968, membership in the New Hampshire Bar was made mandatory by order of the New Hampshire Supreme Court. After a three year review period, the integrated bar concept was re-affirmed after the court determined that the unified bar had improved the quality and availability of legal services, provided better protection to consumers and promoted greater continuing legal education to enhance the quality of legal services. Even the supporters of this bill admit that anyone can petition the court to review its decision regarding integration, yet this has not been done. The Majority of the Committee, therefore, felt that it was inappropriate for the legislature to become involved in a question that may be resolved internally. Furthermore, passage of this legislation will almost certainly result in a constitutional conflict between the Legislature and Court over separation of powers. Vote 16-5. Rep. Charles F. Bass for the Majority of Judiciary.

MINORITY: There is no other profession or similar occupation where to perform his or her chosen work a person is compelled to belong to a private association. The Minority feels Lawyers should be no different than Doctors, Realtors, Engineers, Professors, Legislators or any other workers. (Reps. Frank J. Sylvia, Alf E. Jacobson, William Pellow, Peter J. Zis, David E. Cote for the Minority of Judiciary.)

Rep. Sylvia moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Sytek, Michael Jones and Chretien spoke against the motion and yielded to questions.

Reps. Alf Jacobson, Zis and Pellow spoke in favor of the motion.

Rep. Mehegan spoke in favor of the motion and yielded to questions.

Reps. Chambers and Bass spoke against the motion.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Sylvia requested a roll call. Sufficiently seconded.

Reps. Michael Jones, Patti Blanchette and Reardon abstained from voting under Rule 16.

(Speaker presiding)
YEAS 83 NAYS 271
YEAS 83

BELKNAP: Richard Campbell.

CARROLL: None.

CHESHIRE: Arnott, Blacketor, Burley, Frink, Grodin, Elmer Johnson, Secord, Thompson and Young.

COOS: Guay and Lamontagne.

GRAFTON: Bennett, Blair, Crory, Duggan and Ward.

HILLSBOROUGH: Ahrens, Barry, Bergeron, Bourdon, John Burns, Carragher, Champagne, Charron, Cote, Duperron, Durant, Fields, Scott Green, Hyman, Labombarde, McCue, Nute, Pellow, Frances Riley, Philip Rodgers, B.P. Smith, Mary Sullivan, Sylvia, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, Bardsley, Connolly, Daniell, George Gordon, Alf Jacobson, Kidder, Pantzer, Doris Riley and Savaria.

ROCKINGHAM: Bangs, Benton, Butler, Ellyson, Emanuelson, Courdeau, Hoar, Roger King, Longworth, Benjamin Moore, Pevear, Quimby, Raynowska, Seward, Warburton and Welch.

STRAFFORD: Appleby, Callahan, Albert Dionne, Edward Flynn, Frechette, Keans, Lussier, Spear, Henry Sullivan, Franklin Torr and Ralph Torr.

SULLIVAN: Call, D'Amante and Mehegan.

NAYS 271

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton and William Sullivan.

COOS: Brideau, Brungot, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Marsh, Mayhew, Ottolini, Thierault and York.

GRAFTON: Arnesen, Bean, Chambers, Copenhaver, Densmore, Driscoll, Easton, Hutchings, Wayne King, LaMott, Mann, McAvoy, Rounds, Stewart, Taffe, Howard Townsend, Wadsworth, Walter and Whitcomb.

HILLSBOROUGH: Arnold, August, Bass, Beaupre, Bernier, Robert Blanchette, Lionel Boucher, Bourque, Bridgewater, Burkush, Leslie Burns, Chretien, Clancy, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Dupont, Duprey, Dwyer, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Gagnon, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard Mason, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Ellen Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Stonner, Tamposi, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore and Winn.

MERRIMACK: Anderson, Bibbo, Bowes, Cate, James Chandler, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Shepard, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Blaisdell, William Boucher, Burdick, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Felch, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, Lovejoy, Mace, Magoon, Malcolm, McKinney, Nagel, Newman, Palumbo, Pantelakos, Parr, Popov, Norman Rogers, Romoli, Rosencrantz, Sanderson, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Tufts, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Diamant, Dingle, Donnelly, Anita Flynn, Patricia Foss, Robert Jones, Kincaid, Laurion, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Ann Torr and Whiting.

SULLIVAN: Brodeur, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the report of the Majority, Inexpedited to Legislate.

Resolution adopted.

SB 68, relative to comparative contribution. Refer for Interim Study. The effect of this bill, as drafted, is uncertain because it applies language from the Uniform Comparative Fault Act and such uncertainty would produce litigation to determine legislative intent. This is important legislation that is necessary to establishing comparative negligence in New Hampshire, however, further study is necessary to clarify intent. Vote 13-0. Rep. C. William Johnson for Judiciary.

Referred for Interim Study.

SB 72, relative to civil penalties for bad checks. Ought to Pass with Amendment. This bill, requested by the Retail Merchants Association, is intended to expedite recovery on bad checks. As amended, the bill requires that the maker of a bad check who fails, after notice, to make restitution shall upon judgment pay to the holder, in addition to the amount of the check, \$10 per day that the debt is outstanding, up to \$500. The maker will also pay court costs, service costs and collection costs incurred by the holder. Vote 11-1. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bad Checks, Civil Liability. Amend RSA by inserting after chapter 544-A the following new chapter:

CHAPTER 544-B CIVIL LIABILITY FOR BAD CHECKS

544-B:1 Civil Penalties for Bad Checks.

I. In any action against a person who makes, issues, or draws any check, draft or order for the payment of money which has been dishonored for lack of funds or credit to pay the same, or because the maker, issuer, or drawer has no account with the drawee, the holder may recover from the maker, issuer, or drawer the amount of the check, draft, or order, plus court costs, service costs, and collection costs incurred by the holder. The amount of the check, draft, or order plus the enumerated costs may be recovered only if:

(a) The holder gives notice pursuant to RSA 544-B:2, for payment of the check, draft, or order; and

(b) The maker, issuer, or drawer, fails to tender an amount equal to the amount of the check, draft, or order, plus bank fees and mailing costs, within 10 days of receiving the notice as set forth in RSA 544-B:2.

II. If a judgment is made against a maker, issuer or drawer pursuant to RSA 544-B:1, 1(a) and (b) and he fails to make restitution on the date of judgment, he shall pay to the holder \$10 per business day that the debt remains outstanding from the date of judgment up to a limit of \$500.

III. An action under this section may be brought as a small claims action if the amount claimed does not exceed the jurisdictional limits for small claims action, or may be brought in any other court that has jurisdiction.

544-B:2 Notice of Nonpayment. "Notice" as used in RSA 544-B:1, I (a) means notice given to the maker, drawer, or issuer of the check, draft, or order, either in person or in writing. Such notice in writing shall be conclusively presumed to have been given when properly deposited in the United States mails, postage prepaid, by certified or registered mail, return receipt requested, and addressed to such maker, drawer, or issuer at his address as it appears on the check, draft, or order or at his last known address.

544-B:3 Definition. "Dishonored" means, in addition to the meanings set forth in RSA 544-B:1, I, a stop payment order issued without cause.

2 Repeal. RSA 544-A, relative to civil liability for bad checks, is hereby repealed.

3 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.

Ordered to third reading.

SB 94, relative to criminal mischief. Ought to Pass.

This bill allows the court to consolidate losses caused by separate acts of criminal mischief if these acts were part of a common scheme for purposes of determining pecuniary loss. Criminal mischief is ordinarily a misdemeanor, but under the bill could be a class B felony if the damage was in excess of \$1,000. Vote 9-4. Rep. Donna P. Sytek for Judiciary.

Ordered to third reading.

SB 114, relative to wiretapping and eavesdropping. Ought to Pass with Amendment. This bill, as amended, broadens the category of crimes in which wiretaps can be used and changes slightly the mechanism by which the Attorney General authorizes one party intercepts. Vote 15-6. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of "Electronic Device".

Amend RSA 570-A:1, IV(a) (supp) as inserted by 1969, 403:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) any telephone or telegraph instrument, equipment, facility or any component thereof:

(1) furnished to the subscriber or used by a communications carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;

(2) purchased, rented or used by the subscriber or user; or

(3) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

2 Authorization of Interception of Oral or Written Communications by the Office of the Attorney General. Amend RSA 570-A:2, II and the concluding unnumbered paragraph (supp) as inserted by 1969, 403:1 as amended by striking out said paragraphs and inserting in place thereof the following:

11. It shall not be unlawful under this chapter for:

(a) Any operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication; provided, however, that said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(b) An officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a wire or oral communication.

(c) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter, to carry with him on his person an electronic, mechanical or other device which intercepts oral communications and transmits such communications by radio.

(d) An investigative or law enforcement officer in the ordinary course of his duties pertaining to the conducting of investigations of organized crime, offenses enumerated in this chapter, or harassing or obscene telephone calls to intercept a wire or oral communication, when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the attorney general, the deputy attorney general, or an assistant attorney general designated by the attorney general determines that there exists a reasonable

suspicion that evidence of criminal conduct will be derived from such interception.

Oral authorization for the interception may be given and a written memorandum of said determination and its basis shall be made within 72 hours thereafter. The memorandum shall be kept on file in the office of the attorney general.

(e) An officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(f) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter, to carry with him on his person an electronic, mechanical or other device which intercepts oral communications and transmits such communications by radio.

3 Judicial Authorization of Interception of Wire or Oral Communications. Amend RSA 570-A:7 as inserted by 1969, 430:1 by striking out said section and inserting in place thereof the following:

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, may apply to such judge for, and such judge may grant in conformity with RSA 570-A:9, an order authorizing, or approving the interception of wire or oral communications by law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, robbery as defined in RSA 636, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8 or dealing in narcotic drugs, marijuana or other dangerous drugs or any conspiracy to commit any of the foregoing offenses.

4 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.

Rep. Sytek moved that further consideration of SB 114 be made a Special Order, to be taken up, at the end of the Calendar.

Adopted.

SB 198, relative to the adoption statutes. Ought to Pass with Amendment.

This bill clarifies and enhances various laws regarding adoptions. The Committee believes that this bill represents a very fair method of balancing the sometimes conflicting interests of natural parents, adoptive parents and adopted children. Vote 12-2. Rep. Marc Chretien for Judiciary.

Amendment

Amend RSA 170-B:5-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. The following persons shall be given notice by the court and shall have the right to request a hearing to prove paternity:

(a) A person named by the natural mother in an affidavit filed with the court;

(b) When the natural mother has relinquished her parental rights under RSA 170-B:8, or her rights have been terminated under RSA 170-C, or if she has executed a consent under RSA 170-B:9, the natural or legal father, if his identity is known by the court; the adoption agency which is legal guardian of the child; or the proposed adoptive parents or their attorney;

(c) A person who claims to be the father and who has filed a notice of his claim of paternity with the office of child support enforcement upon the forms supplied thereby. The notice form shall indicate the claimant's willingness and intent to support the child to the best of his ability. The notice form may be filed prior to the birth of the child but must be filed prior to the mother's rights being voluntarily or involuntarily terminated. Failure to file the notice prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

(d) A person who is openly living with the child or the child's mother and providing financial support to the mother or child at the time any action under this chapter is initiated and who is holding himself out to be the child's father.

Amend RSA 170-B:7, II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

II. Any parent wishing to consent to the adoption of a child must be informed by the potential adoptive parents or by their attorney, physician or any intermediary acting in their behalf that child placing agencies licensed under RSA 170-E are available to provide counseling about the parent's decision to place the child for adoption.

Amend RSA 170-B:19, II-a and II-b as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

II-a. Upon the request of an adoptee over 21 years of age or an adoptive parent, the division or agency involved in the adoption shall release information relating to the health history of the natural parent and blood relatives or, with the consent of the natural parent, the social background of the natural parent and blood relatives on forms approved by the division. The division or the agency shall delete any information from the health history or social background which would tend to identify a natural parent.

II-b. Upon the signing of a relinquishment or consent, or at a later time, a natural parent may sign a release of information, which shall be filed in the records of the licensed child-placing agency conducting the investigation under RSA 170-B:14, authorizing the agency to release identifying information, as specified in RSA 170-B:19-a, II, to an adoptee over 21 years of age who wishes to contact a natural parent. A separate form for the release of identifying information shall be signed by each natural parent. A natural parent may, at any time, revoke or amend his release of information.

Amend the bill by striking out sections 7 and 8 and renumbering sections 9-10 to read as 7 and 8, respectively.

Amendment adopted.

Ordered to third reading.

SB 98, relative to transmission lines in historic districts. Inexpedient to Legislate.

Present RSA 162-F mandates that the Site Evaluation Committee consider, as part of its hearings, the adverse effect such transmission lines would have on any area, such as historic districts, and receive information from municipal officials, planning boards, etc. Ample protection is contained in the present statutes. Vote 13-9. Rep. Roger C. King for Municipal and County Government.

Resolution adopted.

SB 4, relative to funding for the department of public works and highways federal aid construction program. Ought to Pass with Amendment.

Senate Bill 4 transfers a highway surplus of \$2,555,474 to receive an additional \$30,076,009 in federal funds in state matching category for federal aid construction programs. The amendment submitted by the Public Works Committee with 20 to 0 vote has twice been approved by the House. Rep. James J. White for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 New Section. Amend RSA 230 by inserting after section 49 the following new section:

230:49-a Replacement or New Signs.

Whenever the commissioner of public works and highways authorizes the replacement of an existing highway sign or the installation of a new highway sign which designates that a city or town lies ahead, that sign shall also state the distance in miles from the sign to the city or town limits that the motorist will first approach.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor. Ought to Pass.

Believing that New Hampshire must address the problem of railroad lines currently operating today in the state, the House Public Works Committee voted 20 to 0 to a program of rehabilitation of certain branch lines. Rep. James J. White for Public Works.

Rep. Hoar offered an amendment.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Rehabilitation of Certain Branch Lines. The railroad division of the department of public works and highways is hereby authorized to rebuild, modernize and maintain the Portsmouth-Massachusetts state line, Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord railroad branch lines. The general court recognizes that the continuation of these branch lines depends upon their rebuilding, modernization and maintenance.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the railroad division of the department of public works and highways for the purposes of section one of this act the sum of \$2,515,000 to be used for the purposes of rebuilding, modernization and maintenance of the Portsmouth-Massachusetts state line, Rollinsford-Rochester, Rochester-Ossipee, Nashua-Bennington, and Claremont-Concord branch lines. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Separate Funds. The moneys appropriated by section 2 of this act and the moneys transferred by section 6 of this act shall be placed in separate non-lapsing accounts established as follows:

I. \$460,000 to be used for the rebuilding, modernization and maintenance of the Portsmouth-Massachusetts state line branch line.

II. \$400,000 to be used for the rebuilding, modernization and maintenance of the Rochester-Ossipee branch line.

III. \$485,000 to be used for the rebuilding, modernization and maintenance of the Rollinsford-Rochester branch line.

IV. \$1,170,000 to be used for the rebuilding, modernization and maintenance of the Nashua-Bennington branch line.

V. \$200,000 to be used for the rebuilding, modernization and maintenance of the Claremont-Concord branch line.

Rep. Hoar explained the amendment.

Rep. Bibbo spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

SB 134, relative to highways to public waters. Ought to Pass with Amendment.

This bill, as amended, will only change the reference of Chapter Law 343 passed in 1983 to the correct RSA. This would allow the Department of Fish and Game to perform the duties required of them under this Chapter Law. Vote 15-4. Rep. Beverly Hollingworth for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Public Access to Certain Waters. Amend 1983, 343:1 by striking out same and inserting in place thereof the following:

343:1 Public Access to Certain Waters. The state shall obtain public access pursuant to RSA 230:63-71 to the following bodies of water in these general locations:

I. Connecticut River, in the vicinity of the Ascutney bridge, so called, in the city of Claremont.

II. Merrimack River, between the town of Boscawren and the city of Franklin.

III. Big Diamond Pond in the town of Stewartstown.

IV. Any other sites on rivers, lakes or ponds as determined by the department of fish and game to be in the interest of the fishing sportsmen of the state.

2 Contribution by State. Amend 1983, 343:3 by striking out same and inserting in place thereof the following:

343:3 Contribution by State. The state shall pay for the services of the commissioners, such sums shall be a charge upon the highway fund. Sums awarded to owners of land and of costs of construction of the highway as the governor, with the

advice of the council, shall deem just and reasonable, shall be a charge against the appropriation contained in section 2.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SB 201, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge. Ought to Pass with Amendment.

A necessary bill to continue transportation of both vehicular and railroad transportation to and from Maine, based on a fair and equal share of costs for each state, pertaining to operating costs. Vote 16-4. Rep. Norman B. Rogers for Public Works.

Amendment

Amend RSA 234:60, Article I, paragraphs I and II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. "Main river structure" means only that portion of the present Maine-New Hampshire interstate bridge authority facility which spans the Piscataqua river from the New Hampshire bridge abutment to the Maine bridge abutment, inclusive, for a distance of 2,880 feet or 0.5456 mile.

II. "Approach roads" means those roadway portions of the present Maine-New Hampshire interstate bridge authority facility known as the U.S. Route 1 Bypass running from the New Hampshire bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 junction in Portsmouth, New Hampshire, a distance of approximately 2.79 miles, and running from the Maine bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 junction to Kittery, Maine, a distance of approximately 1.4 miles.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Positions Authorized. The positions of 2 drawbridge operators and 6 gatemen shall be authorized, for the biennium ending June 30, 1987, to be funded from funds available from the highway surplus account under RSA 228:12. The authorization for these positions shall become effective upon the effective date of this act; provided, however, the positions shall be filled only when and as vacancies occur in like positions on the Maine department of transportation Memorial Bridge operation and maintenance crew and after the state of Maine agrees to refund the state of New Hampshire 1/2 of the total operating cost of department of public works and highways expenditures for the operation and maintenance of the Memorial Bridge. The details shall be incorporated in a formal agreement between the Maine department of transportation and the New Hampshire department of public works and highways.

5 Effective Date. This act shall take effect 60 days after its passage, or upon

the effective date of similar legislation in Maine, whichever is the later.

Amendment adopted.

Referred to Appropriations.

SB 27, allowing off-site caterers to sell liquor and beverages to members of a private party. Ought to Pass.

This bill will allow restaurants and hotels to do catering in another building on their property with approval of the Liquor Commission five days prior to the event for a license fee of \$500 in addition to their regular license. Vote 12-5. Rep. Robert P. Mason for Regulated Revenues.

Ordered to third reading.

SCR 1, requesting the institution of a national lottery to reduce the national deficit. Inexpedient to Legislate.

The Committee felt SCR 1 was too vague in substance and too threatening to the revenues from New Hampshire Sweepstakes to warrant encouraging the President and Congress to introduce a national lottery. Some members also felt that lotteries are an irresponsible method to support government. Vote 6-4. Rep. Conrad Quimby for State-Federal Relations.

Report adopted.

SB 81, establishing a probationary license for "at risk" drivers. Ought to Pass with Amendment.

The bill, as amended, provides for issuance of a "probationary driver's license" at the end of the revocation or suspension period for DWI, etc. Said probationary license may be administratively suspended for 90 days if driver has 3/100 percent or more blood alcohol content. Vote 11-1. Rep. Victor E. Emanuelson for Transportation.

Amendment

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Probationary Licenses. Amend RSA 263 by inserting after section 14 the following new section:

263:14-a Probationary Licenses.

I. Any person who shall apply for reissuance of his driver's license following revocation or suspension for an offense under RSA 265:79, RSA 265:82 or RSA 265:82-a is an "at risk" driver and his driver's license shall be probationary.

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug, so that his blood alcohol content is 3/100 percent or more. Driving with a 3/100 percent or more blood alcohol content is a per se violation of a probationary license

and subjects the probationary license holder to administrative suspension of his driver's license for 90 days.

III. Any probationary license holder whom the police have reasonable cause to believe is driving with 3/100 percent or more blood alcohol content and who refuses to submit to a blood alcohol content test shall have his driver's license administratively suspended for a period of 90 days.

3 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.

Ordered to third reading.

SB 185-FN, relative to the registration of autocycle. Refer for Interim Study. This bill asks that a determination be made as to the classification into which the autocycle should be put for registration purposes since it is neither an automobile nor a motorcycle. Because this vehicle is new to the market and has no experience record, the Committee feels that it must study many phases of it before classifying it. The Committee expects that a cooperative, extensive testing effort with the Department of Safety will be helpful as well as necessary to determine what action to take. Vote 7-5. Rep. Irvin H. Gordon for Transportation.

Referred for Interim Study.

SB 143-FN, relative to mandatory sentences for driving while intoxicated. Ought to Pass with Amendment.

The Committee believes that our current strong DWI law, developed over the last three sessions, has worked well in changing the public's attitude toward drinking and driving. While the Committee acknowledges that there are occasional deficiencies in the enforcement of the current statutes, it was reluctant to support a significant expansion of the offenses for which there is a mandatory penalty, as this bill provides. The amendment strikes out the whole bill and inserts language to correct an anomaly in the present law where it is possible to have a shorter license revocation for aggravated DWI than the "standard" DWI. Vote 18-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the penalty for aggravated driving while intoxicated.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Aggravated Driving While Intoxicated Penalty. Amend RSA 265:82-b, II (supp) as inserted by 1983, 373:10 by striking out said paragraph and inserting in place thereof the following:

II. Any person who is convicted of a violation of RSA 265:82-a shall be guilty of a misdemeanor and fined not less than \$350 and not more than \$1,000; and, if a resident of this state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out of state driver to drive on any ways of this state shall be revoked for a period of not less than one year; and, in either situation, at the discretion of the court, such revocation of a license or resident or nonresident driving privilege may be extended for a period not to exceed 2 years.

2 Effective Date. This act shall take effect January 1, 1986.

Reps. Wayne King and Newman spoke against the amendment.

Reps. Sytek, Raiche and Daniel Eaton spoke in favor of the amendment.

A division was requested.

259 members having voted in the affirmative and 95 in the negative, the amendment was adopted.

Ordered to third reading.

Rep. Ellyson notified the Clerk that he wished to be recorded against SB 143.

The Speaker called for the Special Order.

SB 114, relative to wiretapping and eavesdropping. Ought to Pass with Amendment.

Rep. Sytek explained SB 114 as amended. Ordered to third reading.

Rep. Rounds offered the following:

HOUSE RESOLUTION NO. 37

honoring

Representative Ednapearl F. Parr.

WHEREAS, Representative Ednapearl F. Parr of Hampton has been elected to the Office of Honorary Vice President General of the National Order of the Daughters of the American Revolution, and

WHEREAS, this is one of the highest honors that can be received from the D.A.R., and

WHEREAS, this honor entitles her to serve on the executive committee of the national society for her lifetime, and

WHEREAS, Ednapearl has served the D.A.R. as Vice President General from 1971-1974; New Hampshire State Regent from 1968-1971, and

WHEREAS, she served as State Chaplain from 1965-1968; National Chairman, Daughters of the American Revolution Speakers Staff from 1983-1986, and

WHEREAS, she served as National Vice Chairman, D.A.R. Museum from 1971-1974; Past Regent of Ranger Chapter, and

WHEREAS, Ednapearl served on the National Ethics Committee from 1983-1986; Honorary Senior State President of the New Hampshire Society Children of the American Revolution, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Edna Pearl F. Parr be applauded, recognized and receive highest commendation for her outstanding record of 39 years of service to the National Order of the Daughters of the American Revolution, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Adopted unanimously.

Reps. James Whittemore, Arnott, Davis, Disnard, Matson, Normandin, Ramsay, William Sullivan, Tucker and Winn offered the following:

HOUSE RESOLUTION NO. 38

honoring the significant contributions of Keene State College and her distinguished alumni who served the state of New Hampshire.

WHEREAS, Keene State College of the university system of New Hampshire is celebrating 75 years of academic service to the state of New Hampshire, and

WHEREAS, Keene State College has provided challenging and fulfilling higher education opportunities to the citizens of New Hampshire for 75 years, and

WHEREAS, more than 5,800 graduates of the institution that began as Keene Normal School, then became Keene Teacher's College, and has evolved into Keene State College continue to reside in New Hampshire, and

WHEREAS, these graduates continue to contribute significantly to the enviable quality of life in New Hampshire, and

WHEREAS, Keene Normal School, Keene Teacher's College, and Keene State College is the beloved alma mater of numerous distinguished members of the General Court, including past and present members, Representatives James Whittemore, Arnott, Davis, Disnard, Matson, Normandin, Ramsay, William Sullivan, Tucker and Winn, and

WHEREAS, the people of New Hampshire wish to recognize the numerous and incomparable contributions of this glorious institution, now therefore be it

RESOLVED, by the House of Representatives, that the significant and enduring contributions of Keene State College and her distinguished alumni be recognized and honored on this historic diamond jubilee.

Unanimously adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 16 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 189-FN, providing cost of living increases to teachers who retired prior to 1957.

SB 195, creating a children's trust fund study committee.

SCR 6, relative to supreme court rules and child abuse victims.

SB 55, removing the executive director of the water supply and pollution control commission from the plumbers' licensing board.

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.

SB 138-FN, amending the administrative procedure act.

SB 199, relative to a reorganized department of revenue administration.

SB 20, adopting the uniform transfers to minors act.

SB 52-FN, establishing an advisory committee on rules of evidence.

SB 54, allowing shareholders to obtain payments for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances.

SB 67, relative to the execution of wills.

SB 105, relative to foreclosure sales of mortgaged premises.

SB 143-FN, relative to mandatory sentences for driving while intoxicated.

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions.

SB 97, relative to certain documents required to be kept in the state house visitors' center.

SB 170, enabling the liquor commission to lease space in its stores for placing automatic teller machines.

SB 36, relative to the disposal of sewage and the abatement of nuisances.

SCR 7, urging the United States Internal Revenue Service to repeal its ruling concerning keeping adequate contemporaneous records.

SB 109, relative to appointment of members to the housing finance board.

SB 163, increasing the housing finance authority's bonding authority.

SB 156, relative to the definition of a "way."

SB 118-FN, relative to timely filing of returns under the meals and rooms tax.

SB 2, relative to child victims and child abuse.

SB 72, relative to civil penalties for bad checks.

SB 94, relative to criminal mischief.

SB 114, relative to wiretapping and eavesdropping.

SB 198, relative to the adoption statutes.

SB 134, relative to highways to public waters.

SB 27, allowing off-site caterers to sell liquor and beverages to members of a private party.

SB 81, establishing a probationary license for "at risk" drivers.

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 39

memorializing former Representative Joseph F. Ecker of Manchester.

WHEREAS, we have learned with sorrow of the death of former Representative Joseph F. Ecker, and

WHEREAS, Joseph F. Ecker was elected to six terms by his constituents in Ward 6 of Manchester to serve during the sessions of 1949, 1951, 1955, 1957, 1959 and 1961, and

WHEREAS, Joseph F. Ecker was a dedicated and articulate member of the Standing Committees on Banks; Public Welfare; Municipal and County Government; and Executive Departments and Administration, and

WHEREAS, Joseph F. Ecker honorably served his country in the United States Army during World War I, and the United States Navy during World War II, and

WHEREAS, Joseph F. Ecker was a respected member of the American Legion and the Veterans of Foreign Wars service organizations; and the Benevolent and Protective Order of Elks, and the Knights of Columbus fraternal organizations, and

WHEREAS, Joseph F. Ecker gave faithful and devoted service to his country, state and city, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of sympathy be extended to Joseph F. Ecker's family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House recess.
Adopted.

The House recessed at 4:43 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 22

Thursday, 16 May 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the guest Chaplain, Rev. Frank H. Gross.

We give You thanks, O God, that in our need for guidance and authority we may come to You in prayer.

Bless, we pray, the members of this House as they begin the deliberations of this hour.

So fill them with Your Spirit that they may be sensitive to Your intentions for our life together in this Granite State.

So fill them with Your love that they may share Your concern for the disadvantaged persons in our midst.

So fill them with Your wisdom that they may be instruments of Your justice for all our people.

So fill them with Your peace that their discussions may be respectful and their decisions in the best interest of us all. Amen.

Rep. Brough led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ames, Wells, James Whittemore, Mary Chambers, Knight, Wagner, Matthew Locke, Boisvert and McGlynn, the day, illness.

Reps. York, Martin, Tamposi, Alf Jacobson, Sherburne, Walker, Bass, Clay, Kohl, Millard, William Sullivan, John Burns, Yvette Chagnon, Keefe, Copenhaver, Davis, Bonnie Packard, Easton, Michael Jones, Simon, Seward, August, Benjamin Moore, Gourdeau, Laurion, Blais and Kinhan, the day, important business.

Rep. Brungot, the day, death in the family.

Reps. Musler, Joseph MacDonald and Gene Chandler, the day, illness in the family.

INTRODUCTION OF GUESTS

Detective Bruno Laurent, Paris, France, guest of Rep. Nagel; students from the Maple Street School, Contoocook, with their teacher Mrs. Peters, guests of Rep. Shepard; Arnice Van Loan, granddaughter of Rep. Van Loan; Frederick Felch, brother of Rep. Felch; Doris Chappell, wife of Rep. Chappell; Eva Harris, mother of Rep. Phyllis Katsakiores, with friends Landy Gendron and Blanche Magnuson, guests of Reps. George and

Phyllis Katsakiores; Kate, Mary Carol and Richard Grip, wife and children of Rep. Grip; Marquita Morrison, guest of Rep. O'Brien.

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENTS

HB 258, relative to the motor vehicle laws. (Amendment printed SJ 5/9)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 147-FN, relative to sunset review of economic development. (Amendment printed SJ 5/9)

Rep. Meader moved that the House concur. Adopted.

HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs. (Amendment printed SJ 5/7)

Rep. Doris Riley moved that the House concur.

Adopted.

HB 56, permitting the annulment after 7 years of criminal records for possession of a controlled drug. (Amendment printed SJ 5/9)

Rep. Sytek moved that the House concur. Adopted.

HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer. (Amendment printed SJ 5/9)

Rep. Skinner moved that the House concur. Adopted.

HB 137-FN, relative to sunset review of the New Hampshire network. (Amendment printed SJ 5/9)

Rep. William Boucher moved that the House concur.

Adopted.

HB 95, limiting the grounds for eviction of tenants from certain rental units. (Amendment printed SJ 5/9)

Rep. Vartanian moved that the House concur.

Adopted.

HB 64, limiting the liability of persons aiding crime victims. (Amendment printed SJ 5/9)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Raiche, Daniel Eaton, Jasper and Geraldine Watson.

HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws. (Amendment printed SJ 5/9)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Warburton, Hawkins and Splaine.

HB 112-FN, relative to sunset review of port authority. (Amendment printed SJ 5/9)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sloan, Stewart, York and Hoar.

HB 579, relative to regulation of manufactured housing parks. (Amendment printed SJ 5/9)

Rep. Sara Townsend moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Vartanian, Sara Townsend, Martin and Arnesen.

HB 160-FN, relative to sunset review of the air resources agency. (Amendment printed SJ 5/9)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 142-FN, relative to sunset review of agricultural regulations program. (Amendment printed SJ 5/9)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

ENROLLED BILL AMENDMENT

HB 129-FN, relative to sunset review of division of public health services.

Amendment

Amend the bill by striking out section 107 and inserting same as section 18 of the bill.

Amend section 18 of the bill by striking out lines 1-3 and inserting in place thereof the following:

18 Sale of Domestic Animals for Slaughter; Rules. Amend RSA 436:68 as inserted by 1985, 72:1 by striking out said section and inserting in place thereof the following:

436:68 Sale. If no marked physical indications of tuberculosis have

Amend section 78 of the bill by striking out lines 1-3 and inserting in place thereof the following:

78 Reference Change. Amend RSA 146:8, 11 as amended by striking out said paragraph and inserting in place thereof the following:

Amend the bill by striking out line 1 in the second section 98 which follows section 102 of the bill and inserting in place thereof the following:

103 Reference Change; Flammability. Amend RSA 339-A:2, IX as inserted by

Amend the bill by striking out section 108 and inserting in place thereof the following:

107 Effective Date.

I. Section 18 of this act shall take effect July 1, 1985 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

When the senate amendment was adopted, section 18 of the bill was stricken and the amendment inadvertently started with section 19, so to fill the void section 107 was transferred to become section 18 of the bill. Moving section 107 of the bill to section 18 of the bill required the renumbering of section 108 to read 107.

The amending language and the RSA cite was changed in section 18, because the recodification of the agriculture laws enacted by HB 25 of the 1985 session recodified RSA 443:69, so that it became RSA 436:68. The effective date of this section was changed to fit in with HB 25.

Corrections were also made in the amending language of section 78, and a typographical error was corrected.

Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SCR 3 was removed at the request of Rep. Gross.

SB 144 was removed at the request of Rep. Wayne King.

SB 211 was removed at the request of Rep. Irvin Gordon.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

SB 102, relative to the fiscal committee. Ought to Pass with Amendment. While the Committee amended some sections of the bill to return to present law, several additional amendments were adopted, including an amendment that would provide for the party affiliations of both the house and senate members to reflect, insofar as is possible, the proportion of each party within its respective body. With amendments, SB 102 maintains and strengthens the traditional house position on the organization of the fiscal committee. Vote 17-2. Rep. William F. Kidder for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Fiscal Committee. Amend RSA 14:30-a as inserted by 1965, 239:19 by striking out said section and inserting in place thereof the following:

14:30-a Committee.

I. There is hereby established a fiscal committee of the general court. The

committee shall consist of 8 members; 5 shall be members of the house appropriations committee, whose chairman shall be chairman of the fiscal committee, and the chairman shall appoint the other 4 members; 3 shall be members of the senate finance committee, whose chairman shall be one of the members, and the chairman shall appoint the other 2 members. Appointments shall be made so that the party affiliation of the house members and of the senate members on the committee shall reflect, insofar as is possible, the proportion of each party within its respective body.

II. The fiscal committee shall, while the general court is in session and during the interim, consult with, assist, advise, and supervise the work of the legislative budget assistant and may, at its discretion, investigate and consider any matter relative to the appropriations, expenditures, finances, revenues or any of the fiscal matters of the state.

III. The members shall be paid the regular legislative mileage during the interim while engaged in their work as members of said committee.

SB 196, relative to jointly held safe deposit boxes. Inexpedient to Legislate. The Committee is of the opinion the interests of the state regarding taxes and protection of the survivors of the deceased make this bill Inexpedient to Legislate. Vote 14-1. Rep. George F. Dinsard for Commerce, Small Business and Consumer Affairs.

SB 208, relative to labeling of maple syrup. Inexpedient to Legislate. The Committee did not feel a compelling need for this legislation. The testimony by producers was in opposition to this bill. Vote 17-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

SB 136, relative to the reinstatement of Sports Programs, Inc. Ought to Pass with Amendment.

This amendment adds the reinstatement of the North Sutton Improvement Society, Inc., and the Piper Motor Company of Laconia. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to reinstating certain corporate charters.

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Reinstatement of North Sutton Improvement Society, Inc. The charter of North Sutton Improvement Society, Inc. (Sutton, 1921), was forfeited on April 26, 1977, under RSA 294:107-a and RSA 294:119.

Upon payment of any fees in arrears and the filing with the secretary of state of any returns required by law, North Sutton Improvement Society, Inc. shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to April 26, 1977.

3 Reinstatement of Piper Motor Company of Laconia, Inc. The charter of Piper Motor Company of Laconia, Inc. (Laconia, 1966), was forfeited on October 31, 1984, under RSA 293-A:95, 1(a). Upon payment of any fees in arrears and the filing with the secretary of state of any returns required by law, Piper Motor Company of Laconia, Inc., shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to October 31, 1984.

4 Effective Date. This act shall take effect 60 days after its passage.

SB 30-FN, relative to regulatory boards and commissions. Ought to Pass with Amendment.

This bill will authorize boards and commissions which administer examinations to establish charges for them and require that those charges be equivalent to 125 percent of the direct expense of the examination to cover administrative costs. Vote 17-1. Rep. William F. McCain for Executive Departments and Administration.

Amendment

Amend RSA 332-C:3 and 4 as inserted by section one of the bill by striking out same.

SB 124-FN, relative to the powers of the governor and council. Inexpedient to Legislate.

The Committee believes that upgrading the current position should be addressed through the budgeting process, rather than by legislation. Vote 14-2. Rep. Harold W. Watson for Executive Departments and Administration.

SB 194, relative to the civil defense agency. Inexpedient to Legislate.

The Committee heard no evidence that the changes which would be brought about by this bill are necessary at this time. Vote 16-2. Rep. William F. McCain for Executive Departments and Administration.

SB 219-FN, relative to handicapped-made products and services. Inexpedient to Legislate.

After thorough deliberation, the Committee felt the bill is already covered in RSA 8:25-a and RSA 622:28. Vote 20-0. Rep. Patricia Russell for Executive Departments and Administration

SB 117, establishing an annual commemorative rifle lottery. Ought to Pass with Amendment.

The majority felt that the bill had potential for raising money for a department which has very little. The fact that this is the first in the

nation of a significant piece of publicity for all the state, particularly with New Hampshire Bicentennial in 1987. Vote 11-5. Rep. Gerard E. Powers, Jr. for Fish and Game.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing an annual commemorative rifle or shotgun lottery.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 206 the following new chapter:

CHAPTER 206-A ANNUAL COMMEMORATIVE RIFLE OR SHOTGUN LOTTERY

206-A:1 Committee Established. There is hereby established a commemorative rifle or shotgun lottery committee. The committee shall be comprised as follows: the executive director of the New Hampshire commission on the arts; the executive director of the fish and game department; 2 members appointed by the executive director of the New Hampshire commission on the arts; and 2 members appointed by the executive director of the fish and game department.

206-A:2 Duties.

I. The committee shall solicit bids to manufacture a commemorative rifle or shotgun annually from firearm manufacturers based in part or in whole in New Hampshire or New England. Bids shall be solicited and submitted in accordance with the following specifications:

(a) Bids shall be made by firearm manufacturers based in part or in whole in New Hampshire or New England;

(b) Any submitted bid shall address only the manufacture of a rifle or shotgun, not a pistol or revolver;

(c) Any submitted bid shall include a design draft and shall not include a completed or prototype rifle or shotgun;

(d) Any submitted bid shall include a design to manufacture a case to house the rifle or shotgun in addition to the design for the rifle or shotgun;

(e) Any submitted bid shall include in the rifle's or shotgun's design a plan to use a wood species native to New Hampshire or New England in the stock work and decorative devices representing the state, person, place, or event to be commemorated, or any combination of them, as determined by the committee;

(f) Any submitted bid may be for the manufacture of one to 3 rifles or shotguns and cases; provided, however, that the total bid shall not exceed \$10,000.

II. The committee shall select a winning bid in the following manner:

(a) Bids shall be submitted by New Hampshire or New England firearms manufacturers 2 months following publication of the committee's solicitation to manufacture a commemorative rifle or shotgun;

(b) Bids shall be judged on the basis of artistic quality and total cost;

(c) The winning bid shall be chosen not more than one month after the closing date on which bids may be accepted, as determined by the committee;

(d) Upon selection of a winning bid, the winning bid shall be announced publicly and the winning manufacturer shall be notified by certified mail.

206-A:3 Contract to Manufacture. The fish and game department and the firearm manufacturer chosen by the committee to manufacture the rifle or shotgun shall enter into a contract describing the terms for production and cost of the rifle or shotgun to the state.

206-A:4 Ticket Sales.

I. The committee shall select the design of the ticket.

II. Lottery tickets shall be made available by the fish and game department or its designee and shall be sold by all fish and game licensing agents and any other persons which may be designated to sell tickets by the executive director of the fish and game department.

III. Tickets may be sold to persons 16 years of age or older for no less than \$5 and no more than \$10, as determined by the executive director of the fish and game department.

206-A:5 Sales Agent Commissions. Any agent selling commemorative rifle or shotgun lottery tickets shall receive no less than \$.50 and no more than \$1 for each ticket he sells.

206-A:6 Ticket Proceeds. Ticket sales agents shall return all proceeds from ticket sales and all unsold tickets to the fish and game department in accordance with rules adopted by the executive director of the fish and game department under RSA 206-A:9.

206-A:7 Rifle Drawing. Commemorative rifle or shotgun lottery winners shall be selected annually at a drawing held by the fish and game department.

I. If more than one rifle or shotgun is to be awarded, an equal number of tickets shall be drawn randomly representing one winner for each rifle or shotgun.

II. If a person wins who is determined by the commission to be ineligible to possess a rifle or shotgun, a cash award equal to \$1,000 shall be made instead of the rifle or shotgun.

III. Persons shall be ineligible to win a commemorative rifle or shotgun for the following reasons:

(a) The person is a minor whose parent or legal guardian does not consent to allow him to possess a rifle or shotgun and who does not sign a release form which absolves the state from liability and in which the parent or guardian agrees to assume liability for any damage caused by the minor in his use of the rifle or shotgun;

(b) The person is, for other reasons, ineligible to possess firearms in

this state, or is determined by the executive director of the fish and game department to be ineligible to possess a firearm in this state.

IV. If a winner is subsequently determined to be ineligible, a second random drawing shall be held to choose another winner.

V. All lottery winners shall sign a release form which absolves the state of New Hampshire, its agents and assigns, the fish and game department, and the manufacturer and its agents and assigns from all liability which arises out of the winner's use or possession of the rifle or shotgun.

206-A:8 Revenues. All revenues generated by the annual commemorative rifle or shotgun lottery, minus administrative expenses of the committee, the cost of the rifle or shotgun, and administrative costs of the lottery, shall be deposited into the fish and game fund.

206-A:9 Rulemaking Authority. The executive director of the fish and game department in conjunction with commissioner of the New Hampshire commission on the arts shall adopt rules, pursuant to RSA 541-A, for purposes of carrying out the provisions of this chapter.

2 Commission on the Arts; Executive Director. Amend RSA 19-A:6 by inserting after paragraph VIII the following new paragraph:

IX. The executive director, in addition to his duties under this chapter shall serve on the commemorative rifle or shotgun lottery committee, RSA 206-A.

3 Fish and Game Commission, Executive Director. Amend RSA 206:8 by inserting after paragraph I the following new paragraph:

I-a. The executive director, in addition to his duties under this chapter shall serve on the commemorative rifle or shotgun lottery committee and shall carry out the provisions of RSA 206-A.

4 Appropriation. The sum of \$10,000 is hereby appropriated for the biennium ending June 30, 1987, to the fish and game department for the purpose of purchasing any rifles or shotguns as authorized by RSA 206-A. The sum of \$15,000 is hereby appropriated for the biennium ending June 30, 1987, to the fish and game department for other costs incurred by the commemorative rifle or shotgun lottery committee or the department in carrying out the provisions of RSA 206-A. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 206-A:8, for the biennium ending June 30, 1987, the first \$25,000 of gross revenues received by the department of fish and game from the sale of lottery tickets shall be deposited into the general fund, provided that all gross revenues in excess of \$25,000 shall be deposited into the fish and game fund.

5 Repeal. RSA 206-A relative to an annual commemorative rifle or shotgun lottery is hereby repealed.

6 Effective Date.

I. Sections one through 4 of this act shall take effect July 1, 1985.

II. Section 5 of this act shall take effect July 1, 1987.

Referred to Appropriations.

SB 126, relative to investing the moneys in the water fowl conservation account by the state treasurer. Ought to Pass with Amendment.

This bill allows up to 25% of the prior years' gross waterfowl receipts to be used by the Fish and Game Department for promotion. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the expenditure and investing of the moneys in the waterfowl conservation account.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Expenditures Authorized. Amend RSA 214:1-d, II(c) (supp) as inserted by 1983, 173:1 by striking out said subparagraph and inserting in place thereof the following:

(c) up to 25 percent of the prior year's gross waterfowl receipts shall be expended for the promotion of the state migratory waterfowl stamp and print.

3 Report Required. Amend RSA 214:1-d, VI (supp) as inserted by 1983, 173:1 by striking out said paragraph and inserting in place thereof the following:

VI. The executive director and the commission shall submit to the general court at each regular session a detailed report with sufficient information to be fully understood by the general court and the public summarizing the receipts and disbursements from the waterfowl conservation account and the public benefits derived from the disbursements from it. This report shall also be available to the public after its submission to the general court.

4 Effective Date. This act shall take effect upon its passage.

SB 140-FN, establishing a state wild turkey stamp. Inexpedient to Legislate. The wild turkey stamp is a noble idea to try to generate funds for the Fish and Game Department, however, the logistics of making this a money-making proposition seem insurmountable. Vote 16-0. Rep. David M. Scanlan for Fish and Game.

SB 80, lowering the required level of blood alcohol content from 10/100 to 8/100 as per se evidence of intoxication. Inexpedient to Legislate.

Currently, it is illegal for any person who has a blood alcohol level of .10 percent or more to operate a motor vehicle. This bill changes the law so that any driver whose blood alcohol level is .08 percent or more is considered intoxicated. A driver can be convicted of DWI, at any blood-alcohol level, with other evidence. The Committee feels the current law is working well. Vote 15-2. Rep. Thomas U. Gage for Judiciary.

SB 221, relative to the Upham-Walker house. Ought to Pass with Amendment. The Committee was unanimous (16-0) in support of transferring control of the Upham-Walker House from the Long Range Capital Planning and Utilization Committee to the Joint Committee on Legislative Facilities. Rep. James A. Chandler for Legislative Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

transferring control of the Upham-Walker House to the joint committee on legislative facilities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Property Controlled by Facilities Committee. Notwithstanding 1983, 428:6, the property known as the Upham-Walker House, located on Park Street in the city of Concord, New Hampshire, shall be under the sole control of the joint committee on legislative facilities established by RSA 127-E.

2 Effective Date. This act shall take effect upon its passage.

SB 66-FN, allowing non-profit charitable organizations, and social and sports clubs to sell lucky 7 tickets. Refer for Interim Study.

There were a lot of questions within the Committee about the definition of social or sports clubs. Concerns about enforcement were also raised. Study will give the Committee more time to review the bill and research the questions. Vote 13-0. Rep James D. Phelps for Regulated Revenues.

SB 209, relative to raffles. Ought to Pass with Amendment.

The Committee simplified the bill to allow smaller Bingo Games to raise extra money by having these raffles. The Committee also strengthened the law as to members of the charitable organizations who run the raffles. Vote 12-0. Rep. Robert R. Blaisdell for Regulated Revenues.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to raffles held in conjunction with bingo games.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Raffles Held in Conjunction with Bingo Games. Amend RSA 287-A by inserting after section 7 the following new subdivision:

Raffles Held in Conjunction with Bingo Games

287-A:8 Tickets; Distribution.

I. All raffle tickets sold in conjunction with bingo games shall be numbered sequentially.

II. No ticket or multiple tickets shall be sold for more than \$1.

III. Notwithstanding RSA 287-A:4, raffle tickets sold in conjunction with bingo games shall be sold only by members of a charitable organization licensed by the sweepstakes commission to conduct bingo and only at bingo games being operated by the charitable organization.

287-A:9 Players. Raffles held in conjunction with bingo games shall be held only at bingo games with 300 or fewer participants.

287-A:10 Prizes. Prizes awarded as any raffle held in conjunction with a bingo game shall not exceed \$100 wholesale cost.

287-A:11 Permit Not Required. The provisions of RSA 287-A:7 shall not apply to raffles held in conjunction with bingo games.

2 Raffles Permitted. Amend RSA 287-E:7, X (supp) as inserted by 1983, 417:1 by striking out said paragraph and inserting in place thereof the following:

X. No raffles or other games of chance permitted under RSA 287-A and RSA 287-D or other games of chance, except as provided in RSA 287-A:9 through RSA 287-A:11 and RSA 287-E:16 through RSA 287-E:24, shall be conducted at the same time and in the same place as a bingo game licensed under this chapter.

3 Effective Date. This act shall take effect upon its passage.

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority. Ought to Pass with Amendment.

The primary purpose of this bill is to clarify the rulemaking authority of the Water Supply and Pollution Control Commission and bring such rules into conformance with RSA 541-A. Vote 13-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

Amendment

Amend RSA 146-A:4, I and II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Whenever an oil or petroleum product or by-product discharge or spillage occurs, hereinafter referred to as "oil discharge," which may pollute or which has polluted the public waters of this state, the water supply and pollution control commission shall be notified immediately and shall assume primary jurisdiction of the cleanup operation. In the interim period before the commission has had an opportunity to assume jurisdiction, the person or persons causing the oil discharge shall undertake immediate measures to minimize the extent of pollution and damage which said discharge would otherwise cause. Any unexplained oil discharge shall be removed by or under the direction of the commission.

II. Any person committing or permitting an oil discharge in the manner prohibited by RSA 146-A:3 shall immediately undertake to remove such discharge to the commission's satisfaction.

Amend RSA 146-A:11-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established the New Hampshire oil pollution control fund. This non-lapsing, revolving fund shall pay the salaries and expenses of the persons specified in RSA 146-A:11 as well as the costs to implement RSA 146-A which include but are not limited to the costs of removal or corrective measures deemed necessary by the commission as a result of an actual or potential oil discharge into or onto the surface or groundwaters of the state. Not less than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharges. In the event of an oil discharge, the commission may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

Amend RSA 146-A:11-c, III and IV, as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

III. Procedures for the prevention of oil discharges into or onto the surface or groundwaters of the state, including rules for expenditures on research programs under RSA 146-A:11-a, I.

IV. Procedures for reporting actual or potential oil discharges under RSA 146-A:5.

Amend RSA 146-A:11-c, IX as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

IX. Matters related to the proper administration of this chapter; provided, however, that authority to adopt rules under this paragraph shall expire on July 1, 1987, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed. Prior to January 1, 1987, the commission shall present proposed legislation containing a specific delegation of rulemaking authority to replace this paragraph to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as specific a manner as possible, consistent with the need to provide the commission with sufficient authority to fulfill the regulatory role assigned to it under this chapter and other laws of the state.

Amend RSA 148:15 as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

148:15 Petition to Water Supply and Pollution Control Commission. Whenever any board of water commissioners, local board of health, local health officer or 10 or more citizens of any town or city have reason to believe that a public water or ice supply is being contaminated or is in danger of contamination, and that the local regulations are not sufficient or effective to prevent such pollution, they may petition the water supply and pollution control commission to investigate the case, and to adopt rules under RSA 541-A as the commission may deem necessary for the protection of the said supply against any pollution that in its judgment would endanger the public health. Citizens petitioning under this section shall designate a signatory of the petition as the person to whom the commission shall send its response.

Amend RSA 148:16 as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

148:16 Investigations; Rules. The water supply and pollution control commission shall respond in writing to a petition filed under RSA 148:15, after due investigation, but not later than 30 days after receipt of the petition, informing the petitioners of the commission's intended action. In response to a petition, or upon its own motion, the commission shall adopt such rules under RSA 541-A as it may deem best to protect the water or ice supply against any dangerous contamination. If requested by the commission, the local board of water commissioners, the local board of health, or the local health officer, shall enforce such rules in cooperation with the

commission. In the case of water supplies any part of which may be outside the town or city concerned, the health officer of such town or city may act as an agent of the commission for the enforcement of these rules when so designated by the commission. The commission may empower the board of water commissioners, local board of health, or local health officer and their agents of the affected municipality to enforce rules adopted under the provisions of this section.

Amend RSA 149-B:1-a as inserted by section 17 of the bill by striking out same and inserting in place thereof the following:

149-B:1-a Regional Treatment Plants. In order to obtain maximum value from state funds invested in pollution control projects and to assure optimum levels of water quality in the surface waters and groundwaters of the state, the commission is hereby authorized and directed to require the installation of regional treatment plants serving 2 or more communities (or subdivisions thereof) when in its judgment such a solution is desirable. In order to implement this objective, the commission shall adopt rules under RSA 541-A to aid municipalities in effectuating regional treatment facilities on an equitable basis.

Amend RSA 149-E:3, I as inserted by section 21 of the bill by striking out same and inserting in place thereof the following:

I. Any person proposing either to subdivide land or to construct a sewage or waste disposal system shall submit 2 copies of locally approved plans for any such subdivision of land and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the water supply and pollution control commission as provided in this paragraph. The water supply and pollution control commission shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this chapter. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, what tests are to be required, what standards, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the commission. All inspections by the commission shall be accomplished within 7 business days after receipt of written notification from the builder that the

system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the commission and the requirements of this chapter.

Amend RSA 149-E:3, X(a) as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

X. (a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for the design and who has a permit issued by the commission. The commission shall issue a permit to any person who applies to the commission, and pays a fee of \$15 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The commission shall require an oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application and payment of an annual fee of \$10. A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the commission. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541.

Amend RSA 149-E:5, III and IV as inserted by section 24 of the bill by striking out same and inserting in place thereof the following:

III. Prohibit construction of systems which would pollute the surface waters or groundwaters of the state, until an acceptable and practicable method exists which will prevent the pollution.

IV. Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the implementation of this chapter. The commission shall adopt rules relative to the circumstances under which it may grant a waiver of any rule. A waiver must be consistent with the intent of RSA 149-E and have a just result.

COMMITTEE REPORTS
(Regular Calendar)

SB 197-FN, making appropriations to the sire stakes program. Inexpedient to Legislate.

The Committee felt that there were more pressing needs for the dollars available. Vote 9-8. Rep. Laurent J. Boucher for Appropriations.

Rep. LaMott moved that SB 197 be recommitted to the Committee on Appropriations and spoke to his motion. Motion adopted.

SB 10, relative to small loans. Majority: Ought to Pass. Minority: Refer for Interim Study.

MAJORITY: The majority of the Committee felt that SB 10 will provide the consumers of New Hampshire with another option for obtaining a line of credit. Currently, consumers can obtain open-ended loans (line of credit, bank cards, overdraft credit, etc.) from banks and credit unions. SB 10 simply allows consumers to also obtain open-ended loans from companies licensed and regulated under RSA 339-A. An open line of credit is not only a marketing tool, it also provides a great deal of convenience to both the borrower and the lender by eliminating the need for renegotiation of loans, origination fees, etc. at these companies' offices in the same manner as banks operate. There is very adequate consumer protection at the state and federal level that ensure proper disclosure of charges and interest rates. The New Hampshire Banking Department closely oversees all of their activities and the Bank Commissioner is in favor of this legislation. Vote 11-6. Rep. Vincent J. Palumbo for the Majority of Commerce, Small Business and Consumer Affairs. MINORITY: Finance companies are regulated under New Hampshire statute 399-A to ensure persons obtaining loans from finance companies have certain protections from continuous borrowing at the highest rates charged in New Hampshire. Finance companies may now offer (closed-end) loans for 24-36 months from \$1,500 to \$10,000 at whatever rate is agreed to by the customer and the company. RSA 399-A states that if a customer has a balance due at the maturity date, the finance company must charge reduced interest of 12% until the balance is gone. SB 10 creates open-end loans with no maturity date, encourages continuous borrowing, and discourages good credit management. Only one finance company testified for this bill at the House hearing and no customers presented compelling reasons for open-end loans. New Hampshire finance companies in the past two years charged 5% to 8% higher for the same class of loans as New Hampshire banks. The Consumer Protection Division of the Attorney General's Office expressed reservations about regulating these

open-end loans. (Reps. Elizabeth L. Crory, Tom Longworth, George F. Dismard, William Sullivan, Patricia H. Foss for the Minority of Commerce, Small Business and Consumer Affairs.)

Rep. Dismard moved that the report of the Minority, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Harold Burns and Quimby spoke against the motion and yielded to questions.

Rep. Diamant spoke in favor of the motion.

Rep. Crory spoke in favor of the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Crory requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 156 NAYS 176
YEAS 156

BELKNAP: Birch, Bolduc, Bowler, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Jensen and Zeckhausen.

CARROLL: Hounsell, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Blacketer, Burley, Delano, Grodin, Morse, Parker, Perry, Ridge, William Riley, Schwartz, Secord and Thompson.

COOS: Coulombe and Mayhew.

GRAFTON: Arnesen, Crory, Duggan, McAvoy, Stewart, Howard Townsend and Wadsworth.

HILLSBOROUGH: Barry, Bergeron, Bernier, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Bridgewater, Champagne, Charron, Chretien, Cote, Cox, Crotty, Donovan, Ducharme, Clyde Eaton, Fields, Nancy Ford, Scott Green, Marian Harrington, Hendrick, Herod, Holden, Hyman, Labombard, Lown, Howard Mosen, McCue, Messier, Elizabeth Moore, Newcombe, Pappas, Pariseau, Parmenter, Pellow, Perham, Pressly, Reardon, Frances Riley, Shriver, Mary Sullivan, Sylvia, Van Loan, Vanderlosk, Geraldine Watson, Harold Watson, Frank Whittemore, M. Arnold Wight, Lucille Wood, Worthen and Zis.

MERRIMACK: Bardsley, Laurent Boucher, Bowes, James Chandler, Connolly, Daniell, C. William Johnson, Kidder, Nichols, Pannell, Rehlander, Shepard, Walner and West.

ROCKINGHAM: Blanchard, Butler, Case, Lawrence Chase, Ellyson, Flanagan, Beverly Gage, Goss, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Krasker, Longworth, Lovejoy, Mace, Malcolm, Pevear, Popov, Rosencrantz, Sanderson, Schmidtchen, Sloan, Vaughn, Welch and Woodward.

STRAFFORD: Appleby, Bryant, Burton, Callahan, Diamant, Dingle, Anita Flynn, Edward Flynn, Patricia Foss, Hussey, Lussier, O'Brien, Pelley, Spear and Henry Sullivan.

SULLIVAN: Brodeur, Call, Disnard, Domini, Ingram, Paul Johnson, McKee, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding.

NAYS 176

BELKNAP: Brown, Hardy, Hawkins, Holbrook, Pearson, Randall and James J. White.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald and Powers.

CHESHIRE: Daniel Eaton, Frink, Irvin Gordon, Matson, Ramsay, Russell, Scranton and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini and Theriault.

GRAFTON: Bean, Bennett, Blair, Christy, Densmore, Driscoll, Hutchings, Wayne King, LaMott, Mann, Rounds, Scanlan, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Beaupre, Burkush, Leslie Burns, Carragher, Clancy, Cronin, William Dion, Duperron, Dupont, Duprey, Durant, Dwyer, Dykstra, Joseph Eaton, Fried, Gagnon, Grip, Healy, Hogan, Chris Jacobson, Jasper, George Jones, Kelley, Lamy, Levesque, Lozeau, Morrisette, Murphy, Nelson, Nute, O'Rourke, Paquette, Paradis, Prestipino, Ellen-Ann Robinson, Philip Rodgers, Sallada, B. P. Smith, Leonard Smith, Steiner, Stonner, Turgeon, Varkas, Emma Wheeler, Kenneth Wheeler and Winn.

MERRIMACK: Allgeyer, Anderson, Barberia, Bibbo, Cate, Fraser, Gilbreth, Gross, Hayes, Mary Holmes, Jelley, Lewis, Arthur Locke, Pantzer, Phelps, Doris Riley, Roberts, Linwood Rogers, Savaria, Gerald R. Smith and Stio.

ROCKINGHAM: Bangs, Benton, Blaisdell, Patti Blanchette, William Boucher, Burdick, Marilyn Campbell, Connors, Conroy, Day, Emanuelson, Felch, Flanders, Bert Ford, Thomas Gage, Haynes, Joslyn, Kane, Roger King, Magoon, Robert Mason, McCain, McKinney, Nagel, Newman, Palumbo, Parr, Quimby, Raynowska, Norman Rogers, Romoli, Scamman, Schwaner, Skinner, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian and Warburton.

STRAFFORD: Bates, Berkey, Bernard, Chamberlin, Donnelly, Frechette, Robert Jones, Keans, Kincaid, Meader, Francis Robinson, Swope, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: D'Amante, Lindblade and Sara Townsend, and the motion lost.
Ordered to third reading.

CONFERE CHANGE

SB 35 - Rep. Hager replaces Rep. Gilbreth

SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENTS

HB 4, establishing a new formula for distributing foundation aid to school districts, and making an appropriation therefor, and continuing the rate of the real estate transfer tax. (Amendment printed SJ 5/14)

Rep. William Boucher moved that the House concur and spoke to his motion.

Reps. Krasker and Rounds spoke in favor of the motion.

Rep. William Boucher requested a division.

312 having voted in the affirmative and 22 in the negative, the House concurred with the amendment.

HB 289-FN, increasing the rate of the business profits tax. (Amendment printed SJ 5/9)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

HB 189-FN, relative to the tax on the transfer of real property. (Amendment printed SJ 5/9)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

HB 302-FN, provisionally increasing the tobacco tax. (Amendment printed SJ 5/9)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Jones, Ahrens, Gross and Ramsay.

HB 619-FN, amending the penalty for the underpayment of estimated taxes the interest and dividends tax and certain definitions in the business profits tax. (Amendment printed SJ 5/9)

Rep. Robert Jones moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Jones, Sallada, Zeckhausen and Blacketor.

COMMITTEE REPORTS (cont.)

SB 139, relative to industrial development revenue bonds. Ought to Pass with Amendment.

Senate Bill 139 will allow financing with industrial development bonds of eligible water facilities for collecting, purifying, storing, or distributing water available to members of the general public. It will also allow industrial development bonds to be used for financing construction of commercial fishing vessels and related shoreside facilities. Vote 12-4. Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to industrial development bond financing of eligible water facilities and commercial fishing vessels.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. Amend RSA 162-I:1 by inserting after paragraph V the following new paragraphs:

VI. It is hereby declared that there is a need for the development, acquisition, construction, expansion, and replacement of water facilities in the state in order to maintain and improve the supply of water for domestic, industrial, agricultural or other uses by the public, preserve or increase the social or economic prosperity of the state and its political subdivisions, and promote the general welfare of the state's citizens.

VII. It is hereby declared that there is a need for the acquisition, construction and reconstruction of commercial fishing vessels and the development of related shoreside facilities in order to promote the growth of the fishing industry in the state, create or preserve employment opportunities, preserve or increase the social or economic prosperity of the state and its political subdivisions, and promote the general welfare of the state's citizens.

2 Definitions. Amend RSA 162-I:2 by inserting after paragraph XII the following new paragraphs:

XIII. "Water facility" shall be an eligible facility and means any facility suitable for collecting, purifying, storing, or distributing water for domestic, industrial, agricultural, or other uses, if the water for such uses is to be available on reasonable demand to members of the general public.

XIV. "Commercial fishing facility" shall be an eligible facility and means any commercial fishing vessel documented or to be documented as such under the laws of the United States and any commercial fishing vessel registered or to be registered as such under the laws of the state, which is designed to be used for the catching, packaging, processing, storing or shipping of fish; and any shoreside facility which is functionally related and subordinate to the operation of such commercial fishing vessel.

3 Special Findings. Amend RSA 162-I:9 by inserting after subparagraph II(a)(8) the following new subparagraphs:

(9) If the facility is a water facility, the governor and council shall find that the establishment and operation of the facility will expand or maintain and improve the collection, purification, storage or distribution of water for domestic, industrial, agricultural, or other uses, and that the

water for such uses is to be available on reasonable demand to members of the general public.

(10) If the facility is a commercial fishing facility, the governor and council shall find that the establishment and operation of the facility will either create or preserve employment opportunities directly or indirectly within the state, will help to promote the growth of the fishing industry in the state and will likely preserve or increase the economic prosperity of the state and its political subdivisions.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SB 145, relative to the regulation of mortgage companies. Ought to Pass with Amendment.

This bill provides the Attorney General and the Bank Commissioner with the capacity to license and oversee the operations of mortgage loan companies. This to provide protection for the consumer. Vote 16-0. Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mortgage Home Loans. Amend RSA by inserting after chapter 398-A the following new chapter:

CHAPTER 398-B
MORTGAGE HOME LOANS

398-B:1 Definitions. In this chapter:

I. "Loan" means any loan or money or goods or forbearance of money and goods or choses in action.

II. "Note" means the instrument, other than the mortgage, evidencing or containing the debt secured by the mortgage, or any extension or renewal of such instrument.

III. "Lender" means any person making a loan secured by a mortgage as described in this chapter and shall include any legal successor to the rights of the lender.

IV. "Borrower" shall include any legal successor to the borrower's rights or obligations.

V. "Mortgage home loan" means a loan which is secured in whole or in part by a mortgage upon any interest in real property used as a dwelling with accommodations for not more than 4 families, which property is subject to the lien of one or more mortgages and is or will be the home of the borrower.

VI. "Default" means 6 or more continuous months of no interest or principal payments.

398-B:2 License Required.

I. No person shall engage in the business of mortgage home loans unless he or his broker, agent or other representative first obtains a license as provided herein, except when the person lending money is the seller of the real estate upon which the mortgage is to be taken as security. A person shall not be deemed to be in the business of mortgage home loans if he makes or negotiates not more than 4 mortgage loans in a calendar year.

II. The application for such license shall be in writing, under oath and in the form prescribed by the bank commissioner. Any application for an initial license but not a license renewal shall include, but is not limited to, the following required information:

(a) the name, address, and the name of an authorized contact official of the applicant, and corresponding information for any parent company of the applicant.

(b) the applicant's proposed plans for serving New Hampshire consumers, including:

- (1) the types of mortgage loans to be offered;
- (2) the proposed markets to be served; and
- (3) plans for responding to consumer concerns and inquiries.

(c) a list of states in which the applicant is presently licensed to operate or operating.

(d) a statement of the lender's current escrow policy for New Hampshire mortgage loans.

(e) a statement of the lender's policy for requiring insurance.

(f) a personal disclosure statement on the top company officer.

III. The license fee for each calendar year or part thereof shall be \$250.

IV. Upon the filing of such application and the payment of said fee, the commissioner shall investigate the facts, including, but not limited to, a comparison of the amount of interest, as that term is used in RSA 398-B:7 and RSA 398-B:8, and points to be imposed by the applicant with those generally charged by other lenders in the community in which the business of the applicant is to be conducted, and if he shall find that: (a) the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully, honestly and fairly within the purposes of this chapter; and (b) the applicant has available for use in such business at the location specified in the application at least \$25,000, or, has such amount available or actually invested in loans made under this chapter; and (c) allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall enter an order approving such application and deliver a license to the applicant for a period which shall expire the December 31 following the date of its issuance. Each

license shall state the name and address of the licensee and shall be posted in the licensee's place of business. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other trade name unless he shall have a separate license therefor. If the commissioner shall not so find, he shall enter an order denying such application and immediately notify the applicant of the denial, returning the license fee. Before the corporate or trade name under which the licensed business is conducted is changed, the licensee shall give notice to the commissioner who shall amend the license accordingly without cost.

V. The applicant shall also, at the same time file with the commissioner a surety company bond to the state, in the sum of \$5000 to be approved by the commissioner, for the use of the state and of any person who may have a cause of action against the principal in said bond under the provisions of this chapter and conditioned that he shall conform to and abide by each provision of this chapter and shall pay to the state and to any such person any sum that may become due or owing to the state or to such person from said principal under and by virtue of the provisions hereof.

398-B:3 Revocation and Suspension of License. The commissioner may, upon notice and hearing, revoke or suspend a license if satisfied that the licensee has violated any provisions of this chapter, or that the licensee does not meet the standards established in RSA 398-B:2, IV.

398-B:4 Examinations. For the purpose of discovering violations of this chapter the commissioner may, either personally or by any person designated by him, at any time, investigate the loans and business of any licensee and of any person, partnership, or corporation by whom any such loan shall be made, whether such person, partnership, or corporation shall act, or claim to act, as principal, agent, or broker, or under or without the authority of this chapter; and for that purpose he shall have free access to the books, papers, records, and vaults of all such persons, partnerships and corporations. He shall also have authority to examine, under oath, all persons whose testimony he may require, relative to such loans or business. Records of such investigations and examinations shall be kept by the commissioner for at least 2 years after he initiates the investigation or examination.

398-B:5 Cost. The commissioner may make an examination as provided in RSA 398-B:4 of the affairs, business, office and records of each licensee. For each such examination, the licensee shall pay a sum equal to the product of the average daily rate of pay of all bank examining personnel, multiplied by the number of working days, or portion thereof, devoted to the examination of the particular licensee. Sums collected under this chapter shall be credited to the small loan license fund as provided for in RSA 399-A:13.

398-B:6 Report. Each licensee shall file with the commissioner on or before February 1 of each year a report under oath

concerning the business and operations for the preceding year ending December 31 in the form prescribed by the commissioner, which shall show the annual volume and outstanding amounts of mortgage loans, the classification of such loans made by size and by security, and the gross income from, and expenses properly chargeable to, such loans. Whenever a licensee operates 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports. The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each day said report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each licensee held.

398-B:7 Interest and Interest Rates on First Mortgages. The allowable rate of interest on any first mortgage made under this chapter shall be at the rate and terms agreed upon in the note between the borrower and the lender. Variable rate mortgages, reverse mortgages, points, prepayment penalties, open-end mortgages and balloon payments are permitted.

398-B:8 Interest on Mortgages Other than First Mortgages.

I. The allowable rate of interest on any mortgage other than a first mortgage shall be computed on the unpaid balance that any person may directly or indirectly charge, take or receive for a mortgage home loan secured by property which is occupied in whole or in part at the time said loan is made as a home by any obligor on the mortgage debt or by any person granting or releasing any interest under said mortgage shall be the rate agreed upon in the note between borrower and lender, and following the sixth month of any period in which a loan has been in continuous default not more than 1-1/2 percent per month on any unpaid balances.

II. Notwithstanding any other provisions of this chapter, the charges which may be collected on any loan made under this chapter for the period beginning 6 months after the originally scheduled final installment date of a loan other than an open-end loan, or for the period beginning 6 months after the final due date of an open-end loan as established by the term applicable to the loan from time to time in accordance with the open-end note or loan agreement and ending with date of payment of the loan in full shall not exceed 18 percent per year simple interest on the balances outstanding from time to time during said period. If the loan is an open-end loan the borrower's privilege for further loans shall not be reinstated by the licensee where the rate has been reduced under the preceding sentence unless the borrower executes a new open-end loan agreement.

III. The borrower shall have the right to anticipate his debt in whole or in part at any time without being required to pay a penalty to the lender therefor. When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement.

IV. The aggregate of the amount of money or value actually received or held at the time of the loan, plus the sum of all existing indebtedness of the borrower to the lender shall for the purposes of this chapter be deemed the amount of the loan. Except where the borrower agrees in writing to a different application of his payments, in cases where partial payments are made, the interest shall be calculated to the time of payment, and such payment shall first be applied to interest, and the balance thereafter remaining, if any, shall be applied to principal. The maximum interest shall include all sums paid, directly or indirectly by or on behalf of the borrower to the lender for interest, brokerage, commissions, services, extension or loan, forbearance to enforce payment or otherwise for making or securing the loan, not including, however, sums the lender may require the borrower to pay or reimburse the lender for actual recording, insurance and foreclosure costs, for actual charges incurred for the examination of the title and the marketability and appraisal of the security for the loan, for the drafting of the security instruments or documents, and, when such services are utilized, reasonable attorney fees not paid to a salaried employee for collecting the debt or realizing upon the security.

V. A licensee may retain any security interest in real property on an open-end loan until the open-end account is terminated, provided that if there is no outstanding balance in the account and there is no commitment by the licensee to make advances, the licensee shall within 10 days following written demand by the borrower deliver to the borrower a release of the mortgage or a request for reconveyance of the deed of trust on the real property taken as security.

VI. A lender may charge a prepaid finance charge or points. Variable rate second mortgages are permitted.

398-B:9 Effect of Failure to Specify Interest Rate. If any note secured by a mortgage, in the case of loans other than open-end loans, does not, among its provisions, specify as separate items the principal sums, the rate of interest, the period of the loan and the periodic due dates, if any, of principal and interest or, in the case of open-end loans, if such mortgage does not, among its provisions, specify as separate items the maximum amount or credit available, the rate of interest, the selected payment, or its manner of determination, and the related period or periods of repayment and the monthly or periodic due dates, then the lender shall have no right to collect interest.

398-B:10 Prerequisites to Foreclosure. If the borrower or his authorized representative requests, by certified mail, the lender to furnish him with a copy of the note, the lender shall, within 15 days after receipt of said request, send by certified mail a true copy of said note to the person requesting the same at the address specified in such request. At least 15 days prior to the commencement of any foreclosure proceedings the lender shall send to the borrower by certified mail a statement of his intention to foreclose which shall specify the amount of principal, interest and other indebtedness, if any, owing and accruing under the note and mortgage. Failure of the lender to comply with the provisions of this section shall suspend his rights until such time as he complies with said provisions.

398-B:11 Receipt for Payment. Upon payment of any money by the borrower, the lender shall at the request of the borrower give him a receipt stating the date of payment, the amount paid, the amount applicable to interest on the loan and the amount applicable to the principal. Such receipt shall be signed by the lender or his duly authorized representative.

398-B:12 Penalty for Failure to Give. If a lender refuses, on written demand sent by certified mail, to give such receipt, he shall forfeit all interest on the principal sum.

398-B:13 Illegal Loans. Any loan made in violation of RSA 398-B:7 or RSA 398-B:8 by any person shall be discharged upon payment or tender by the debtor or any person succeeding to his interest in such real estate of the principal sum actually borrowed. Any agreement whereby the borrower waives the benefits of RSA 398-B:8 or releases any rights he may have acquired by virtue thereof shall be deemed against public policy and void. The superior court shall have jurisdiction of all suits arising under RSA 398-B:8 and if a finding is made that such loan secured by any such mortgage violates RSA 398-B:8 such borrower shall be entitled as a part of his costs to a reasonable fee for the services of his attorney in such suit.

398-B:14 Penalty.

I. Any person who wilfully violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, for each such violation.

II. The bank commissioner shall levy a fine of \$100 a day on any lender who makes mortgage home loans in this state without holding a valid license in its name.

398-B:15 Advertising. No licensee or other person shall advertise, print, display, publish, distribute or broadcast or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner whatsoever any statement or representation with regard to the rates, terms, or conditions for the lending of money under the provisions of this chapter which is false, misleading or deceptive. Any reference to the amount of a loan shall refer to the original principal amount. Any statement so made of the amount of an

installment or the rate or amount of interest charges required for any loan shall also indicate the original principal amount of such loan, the number of installments required to pay such loan, and the interval between each installment.

398-B:16 Exemptions.

I. Nothing contained in this chapter shall be deemed to have any effect whatever upon the existing powers of any banking institution, savings bank, federal savings and loan association, or insurance company or other financial institution which is subject to any other law of this state or of the United States regulating the power of such institution to engage in mortgage loan transactions, or upon the conditions and limitations imposed by any such law upon the exercise of such powers.

II. Nothing in this chapter shall be deemed to limit any type of mortgage or repayment plan, except as they may conflict with the provisions of this chapter.

398-B:17 Commissioner Their Attorney. Any out-of-state mortgage broker or agent shall be deemed to have appointed the bank commissioner or his successor in office, his true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him growing out of the provisions of this chapter. Any process against such person so served shall be of the same legal force and validity as if served on him personally.

398-B:18 Service of Process. Service of such process shall be made by leaving a copy thereof with a fee of \$3 in the hands of the bank commissioner or in his office, and such service shall be sufficient, provided that notice thereof and a copy of the process are forthwith sent by certified mail by the plaintiff or his attorney to the defendant, and the defendant's return receipt and the affidavit of the plaintiff or his attorney of compliance therewith are appended to the writ and entered therewith. In the event that the notice and copy of the process are not delivered to the defendant, the superior court may order such additional notice, if any, as justice may require.

398-B:19 Rulemaking Authority. The bank commissioner shall adopt rules pursuant to RSA 541-A consistent with the provisions of this chapter. Such rules shall include, but shall not be limited to:

I. Procedures for responding to consumer concerns and inquiries.

II. Escrow policy for New Hampshire mortgage loans.

398-B:20 Insurance.

I. Credit life insurance and credit accident and health insurance may be issued in connection with a loan or other credit transaction authorized by this chapter in compliance with the provisions of RSA 408:15, II and the cost of such insurance and any commission, benefit or return to the licensee therefrom shall not be deemed a violation of any provision of this chapter; provided, however, that if there is more than one borrower or obligor on any such loan or credit transaction, credit life insurance providing a single benefit may cover both borrowers or obligors.

II. The licensee may require a borrower to insure real property given to

secure the loan against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable destructible value of the property insured. The borrower shall not be required to insure against unusual or exceptional risks not ordinarily insured against in policies issued to non-borrowers. The premium for such insurance may be included in the principal amount of the loan. Such insurance shall name the borrower as insured but may include the licensee as co-insured or protect the interest of the licensee under a loss-payable clause. No licensee shall require a borrower to duplicate or cancel existing insurance or to purchase insurance from a licensee or any employee, affiliate or associate of the licensee or from any agent, broker or insurance company designated by the licensee, as a condition precedent to the making of the loan.

2 Repeal. RSA 398-A, relative to mortgage home loans, is hereby repealed.

3 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.

Ordered to third reading.

SB 206-FN, relative to school building aid for the Conway school district. Ought to Pass.

The Committee, as a majority, believes that SB 206 answers the problems that were raised by House Bill 198 which was sent for Interim Study. The bill allows Conway School District to receive school building aid as an AREA school when and if they bring their existing contracts into compliance with existing state statute with regards to AREA schools. Vote 22-0. Rep. William J. Hounsell for Education.

Ordered to third reading.

SB 108-FN, relative to administrative attachment of occupational and professional licensing boards. Ought to Pass with Amendment.

Seven health-related boards are presently located in the Department of Health and Human Services. This bill will locate the Board of Chiropractic, Optometry and Psychology there also. Other occupational licensing boards are located in the departments they indicated a desire to be with or are with now. All are given until July 1, 1987 to receive support services from the departments. Vote 18-0. Rep. Ada L. Mace for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Barbering and Cosmetologists; Health and Human Services. Amend RSA 313-A:2 by inserting after paragraph V the following new paragraph:

VI. The board shall be an administratively attached agency, under RSA

21-G:10, to the department of health and human services.

2 Podiatry; Health and Human Services. Amend RSA 315 by inserting after section 1 the following new section:

315:1-a Administratively Attached. The board of podiatry shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

3 Chiropractic; Department of Health and Human Services. Amend RSA 316:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

4 Dentists and Dentistry; Health and Human Services. Amend RSA 317-A:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

5 Pharmacy Board. Amend RSA 318 by inserting after section 2 the following new section:

318:2-a Administrative Attachment. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

6 Electricians; Department of Safety. Amend RSA 319-C:4 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of safety.

7 Embalmers and Funeral Directors; Health and Human Services. Amend RSA 325:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

8 Nurses. Amend the introductory paragraph of RSA 326-B:4 as inserted by 1975, 281:1 by striking out said paragraph and inserting in place thereof the following:

The board shall be an administratively attached agency, under RSA 21-G:10, to the department of education. The board is authorized to:

9 Board of Registration in Optometry; Department of Health and Human Services. Amend RSA 327:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

10 Board of Registration in Medicine; Health and Human Services. Amend RSA 329:2 by inserting after paragraph II the following new paragraph:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

11 Plumbers Board; Water Supply and Pollution Control Commission. Amend RSA 329-A:3 by inserting after paragraph II the following new paragraph:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the water supply and pollution control commission.

12 Psychologists; Health and Human Services. Amend RSA 330-A by inserting after section 3 the following new section:

330-A:3-a Administrative Attachment.

The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

13 Veterinary Board; Agriculture. Amend RSA 332-B:3 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of agriculture.

14 Water Well Board; Water Supply and Pollution Control Commission. Amend 489-B:3 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the water supply and pollution control commission.

15 Nursing Home Administrators; Health and Human Services. Amend RSA 151-A:3 by inserting after paragraph V the following new paragraph:

VI. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

16 Implementation. All occupational and professional licensing boards designated by this act having full- or part-time staff shall retain those staff persons for a period not to extend beyond June 30, 1987. In the interim period between effective date of this act and that date, the individual boards and the commissioners or other heads of the departments to which they have become administratively attached shall consult and determine the best, most appropriate and most economical method of providing service to each board and shall prepare budgets for each board so that each department will be fully reimbursed for services rendered to each board on a cost allocation basis. It is the intent of this act, however, that boards be centrally administered and serviced by the departments to which they are administratively attached to insure the greatest economy possible and to insure the greatest access to the boards for the licensees and the general public.

17 Reference Corrected. Amend RSA 5:13 by striking out said section and inserting in place thereof the following:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy, and the joint board of engineers, architects, and land surveyors shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

18 Repeal. RSA 426:17, relative to the supervisory function of the commissioner of agriculture over the board of veterinary medicine, is hereby repealed.

19 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Daniel Eaton moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. McCain spoke against the motion.

Rep. Newman spoke in favor of the motion.

Reps. Dexter, Ramsay and Ward spoke against the motion and yielded to questions.

Reps. James J. White and Clyde Eaton spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A division was requested.

145 members having voted in the affirmative and 183 in the negative, the motion lost.

Question now being on the report of the Committee, Ought to Pass.

Ordered to third reading.

SB 200, establishing a department of transportation. Ought to Pass with Amendment.

This bill renames the present Public Works and Highways Department to the Department of Transportation and further brings the Aeronautics Department in to become a Division under the Department of Transportation. The railroad function as well as public works remain where they are now (Public Works and Highways to become Department of Transportation). All dedicated funds, including the highway fund and the aeronautics users fund, remain as at present. The amendment makes some minor changes in the composition of the Aeronautics Users Advisory Board and also structures the appeals' board to be more responsive to the specialized needs of aeronautics and railroads.

The existing positions of associate commissioner and deputy commissioner will both be eliminated with the pending retirements of Reuel Webb and Walter Mead, as of 1 January 1986. The amendment also provides that the directors of: operations, project development, and public works, must qualify as registered professional engineers to insure that only highly qualified persons are appointed to these positions. Vote 13-3. Rep. Harold W. Watson for Executive Departments and Administration.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-I the following new chapter:

CHAPTER 21-J DEPARTMENT OF TRANSPORTATION

21-J:1 Findings; Intent.

I. The general court finds that the efficient administration of transportation functions is best achieved by the consolidation and unified direction of transportation procedures, programs, and

related functions. The general court declares that the economic well-being and physical safety of the citizens of New Hampshire are best secured by establishing a single department responsible for transportation functions.

II. This act shall not be construed in any way to affect dedications of revenue provided for in the constitution or laws of the state, including the dedicated highway fund provided for by part 2, article 6-a of the New Hampshire constitution, or the dedicated aeronautical fund established by RSA 422:42.

21-J:2 Establishment; General Functions.

I. There is established the department of transportation, an agency of the state under the executive direction of a commissioner of transportation.

II. The department of transportation, through its officials, shall be responsible for the following general functions:

(a) Planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit, and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state.

(b) Except as otherwise provided by law, developing and maintaining state owned and supported land and buildings, and cooperating with the department of administrative services in preparing a long range state capital improvements plan.

(c) Performing any regulation of transportation activities required by law which is not within the jurisdiction of another state agency.

21-J:3 Commissioner; Directors; Compensation.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve a term of 4 years. The commissioner shall be qualified to hold that position by reason of education and experience.

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Division directors shall serve a term of 4 years. Directors shall be qualified to hold their respective positions by reason of education and experience.

III. The salary of the commissioner and each division director shall be as specified in RSA 94:1-a.

21-G:4 Duties of Commissioner. In addition to the powers, duties, and functions otherwise vested by law in the commissioner of the department of transportation, he shall:

I. Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court, and the public for such administration.

II. Consult regularly with regional planning commissions established

pursuant to RSA 36:45-53 with regard to department planning activities.

III. Provide for a support unit within his office which shall include the function of monitoring projects and conducting audits of department activities to insure compliance with state and federal contracts, laws, and program objectives.

IV. Require the director of the division of administration, in consultation with the comptroller and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

V. Adopt rules, under RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

21-J:5 Assistant Commissioner.

I. The commissioner of transportation shall nominate an assistant commissioner for appointment by the governor, with the consent of the council. The assistant commissioner shall serve a term of 4 years. The assistant commissioner shall be a registered professional engineer and shall be otherwise qualified to hold that position by reason of education and experience. The assistant commissioner shall also be known as the chief engineer of the department.

II. The assistant commissioner shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the assistant commissioner shall be as specified in RSA 94:1-a.

Internal Organization

21-J:6 Division of Administration.

There is established within the department the division of administration, under the supervision of an unclassified director of administration, who shall, in accordance with applicable laws, be responsible for the following functions:

I. Accounting, purchasing, and budget control.

II. Personnel management.

III. Property, contracts, and grants management.

IV. Data processing.

V. Assistance to the commissioner with short and long range department level planning activities.

VI. Control of department inventory.

VII. Department printing.

VIII. Issuing of all permits, registrations, and licenses for which the department is responsible.

21-J:7 Division of Aeronautics. There is established within the department the division of aeronautics, under the supervision of an unclassified director of aeronautics, who shall be responsible for the following functions:

I. Locating, constructing, and maintaining all air navigation facilities

within the state which are built or maintained either in whole or in part with state funds.

II. Coordinating all agencies and persons participating in aircraft search and rescue missions within the state.

III. Investigating all civil aircraft accidents occurring within the state.

IV. Otherwise administering the provisions of RSA title XXXIX, relative to aeronautics.

V. Investigating all aircraft-related complaints and accidents.

21-J:8 Aviation Users Advisory Board.

I. There shall be an aviation users advisory board consisting of 7 members. All members, except the members set forth in subparagraphs (d) and (g), shall hold a valid pilot's certificate at the time of appointment. The members shall be appointed by the governor, with the consent of the council, and shall include the following:

(a) One member representing an airline.

(b) One member representing corporate aviation.

(c) One member who shall be an airport manager.

(d) One member who shall be a member of an airport authority or of the governing body of a municipality maintaining a municipal airport.

(e) One member representing general aviation who shall be chosen from a list of at least 4 and not more than 6 names submitted to the governor by the Aviation Association of New Hampshire.

(f) One member representing general aviation.

(g) The assistant commissioner who shall serve as an ex officio voting member of the board.

II. Except for the assistant commissioner, board members shall serve for a term of 4 years. Board members shall not serve more than 2 consecutive terms. The board shall annually elect from among its members a chairman.

III. Board members shall serve without compensation, except that they shall receive reimbursement for their reasonable and necessary expenses in the performance of their duties. This reimbursement shall be a charge against the appropriation for the aeronautics division.

IV. The board shall meet at least 4 times per year at a time and place to be fixed by the chairman, either upon his own motion or at the request of 3 or more board members.

V. The aviation users advisory board shall regularly advise the director of the division of aeronautics on all matters relative to the operation of the division. The director shall consult the board on all matters relative to the operation of airports and licensing of pilots and other aviation personnel.

VI. The aviation users advisory board shall act as the board of appeal for aeronautical matters. Appeals from the decisions of the director of aviation may be taken to the commissioner. Decisions of the

commissioner may be appealed to the board, and such appeal shall be a condition precedent to any appeal to any court, contrary provisions of RSA 541-A notwithstanding. The board shall adopt rules of procedure for its appeals process.

21-J:9 Division of Project Development. There is established within the department the division of project development, under the supervision of an unclassified director of project development, who shall be a registered professional engineer and shall be responsible for the following functions, in accordance with applicable laws:

I. Transportation engineering, including planning and design for state highway, rail, and other forms of transportation.

II. Materials research and testing.

III. Acquisition of all real property rights necessary to carry out department responsibilities.

IV. Field supervision of all transportation construction for which the department is responsible, except air navigation facilities.

21-J:10 Division of Operations. There is established within the department the division of operations, under the supervision of an unclassified director of operations, who shall be a registered professional engineer and shall be responsible for the following functions, in accordance with applicable law:

I. Maintenance and supervision of the state transportation network.

II. Maintenance of department equipment.

21-J:11 Division of Public Works. There is established within the department the division of public works, under the supervision of an unclassified director of public works, who shall be a registered professional engineer or a registered architect and shall be responsible for the following functions, in accordance with applicable laws:

I. Public works engineering, including planning and design for all public works projects.

II. Field supervision of all public works construction.

III. Maintenance, supervision, and coordination of all state-owned and supported land and buildings, including, but not limited to, those functions specified in RSA 228:6, I.

IV. Operation of all public works not otherwise assigned.

21-J:12 Rulemaking. The commissioner of transportation shall adopt rules, under RSA 541-A, relative to:

I. Bidding for major capital projects, as authorized by RSA 228:4, I, 228:4-a and 228:5.

II. Supervising standards of operation and maintenance of state-owned buildings and equipment, as authorized by RSA 228:6, I.

III. Locating, routing, altering, constructing, reconstructing, maintaining or discontinuing highways constructed or maintained wholly or in part by state funds, as authorized by RSA 228:21, I.

IV. Establishing standards for water supplies affected by highway construction or reconstruction, in accordance with water quality standards as set forth by the water supply and pollution control commission or its successor agency, as authorized by RSA 228:34, III.

V. Closing, regulating, or restricting traffic on certain highways, as authorized by RSA 228:37 and RSA 236:1.

VI. Reimbursement for special repairs, as authorized by RSA 228:50.

VII. Using delinquent railroad taxes, as authorized by RSA 228:64.

VIII. Acquisition, use, and disposal of property for mass transportation, as authorized by RSA 228:71, V.

IX. Managing and operating mass transportation systems, as authorized by RSA 228:71, VI-X.

X. Discontinuing mass transportation service, as authorized by RSA 228:72.

XI. Issuing securities for certain carriers, as authorized by RSA 228:76-92.

XII. Classifying state highways, as authorized by RSA 229:5.

XIII. Application procedures and approval criteria for relocation payments, as authorized by RSA 230:36.

XIV. Application procedures and approval criteria for replacement housing, as authorized by RSA 230:37.

XV. Application procedures and approval criteria for relocation services, as authorized by RSA 230:42.

XVI. Regulating of limited access facilities, as authorized by RSA 230:53.

XVII. Using bicycle routes, as authorized by RSA 230:75, IV.

XVIII. Warning device standards, as authorized by RSA 231:94.

IX. Supervision of trees and vegetation adjoining certain highways, as authorized by RSA 231:155.

XX. Application procedures and approval criteria for state bridge aid, as authorized by RSA 234:5.

XXI. Application procedures for state aid for class II highway construction, as authorized by RSA 235:14.

XXII. Specifications for joint fund expenditures, as authorized by RSA 235:17.

XXIII. Estimating state contributions for damage losses, as authorized by RSA 235:34.

XXIV. Traffic control regulation by stop signs, devices, or signals, as authorized by RSA 236:2 and 236:3.

XXV. Establishing speed zones, as authorized by RSA 236:7.

XXVI. Requirements for posting bond, as authorized by RSA 236:10.

XXVII. Specifications and terms of permits for accesses to public ways, as authorized by RSA 236:13.

XXVIII. Construction permits for drive-in theatres, as authorized by RSA 236:49.

XXIX. Application procedures for advertising licenses, as authorized by RSA 236:71.

XXX. Application procedures for advertising permits, as authorized by RSA 236:72.

XXXI. Locating advertising devices in areas adjacent to federal highways or turnpikes, as authorized by RSA 236:74, IV.

XXXII. Removing nonconforming signs, as authorized by RSA 236:77.

XXXIII. Denial or revocation of an advertising license, as authorized by RSA 236:78.

XXXIV. Application procedures and approval criteria for junk yard licenses and certificates of approval, as authorized by RSA 236:93.

XXXV. Procedures for conducting hearings on junk yard location, as authorized by RSA 236:94.

XXXVI. Procedures for acceptance and disbursement of federal funds for junk yard control, as authorized by RSA 236:104.

XXXVII. Establishing minimum speeds, as authorized by RSA 265:64, II.

XXXVIII. Restricting the stopping, standing, or parking of motor vehicles, as authorized by RSA 265:71, IV.

XXXIX. Permits for certain towing, as authorized by RSA 265:108.

XL. Application procedures for granting household goods carriers access to loading and unloading areas, as authorized by RSA 265:108.

XLI. Permits for moving special objects, as authorized by RSA 266:24.

XLII. Transporting explosives, as authorized by RSA 158:12.

XLIII. Operating common carriers on public waters, as authorized by RSA 270:7.

XLIV. Regulating common carrier operation, equipment, appliances, or services, as authorized by RSA 365:22.

XLV. Filing railroad maps or profiles, including the form of maps and profiles, as authorized by RSA 367:44, IV.

XLVI. Removal or the discontinued use of any railroad track, as authorized by RSA 367:46-a.

XLVII. Procedures for hearings relative to removal or discontinued use of any railroad track, as authorized by RSA 367:46-b.

XLVIII. Regulation of railroad rates, accounts and reports, and operations, as authorized by RSA 267:50-57.

XLIX. Procedures for hearings relative to railroad operation complaints, as authorized by RSA 367:58.

L. Procedures for investigating railroad accidents, as authorized by RSA 367:59.

LI. Standards for warning signs for highway grade crossings, as authorized by RSA 373:11.

LII. The maximum occupancy time of a grade crossing, as authorized by RSA 373:16.

LIII. Application for and issuance of household goods carrier certificates, including all necessary forms, as authorized by RSA 375-A:3 and 375-A:5, IV-V.

LIV. Annual reporting requirements, as authorized by RSA 375-A:13.

LV. Regulating household goods carriers, as authorized by RSA 375-A:14.

LVI. Regulating common and contract carriers of property by motor vehicle, as authorized by RSA 375-B:17.
 LVII. Regulation of common and contract carriers of passengers by motor vehicle, as authorized by RSA 376:21.
 LVIII. Establishing rates, fares, charges, and classifications of joint service, as authorized by RSA 379:1, III.
 LIX. Terms and conditions of joint use by railroads, as authorized by RSA 379:13.

LX. Procedures for aircraft accident and aircraft violation investigations, as authorized by RSA 422:9.

LXI. The purchase and operation of aircraft, as authorized by RSA 422:10.

LXII. Notice requirements of construction or alteration of any structure when such notice shall promote air safety, as authorized by RSA 422:11.

LXIII. Terms and conditions of activities at state airways system facilities, as authorized by RSA 422:15.

LXIV. Procedures for accepting federal aid for airport and airway development, as authorized by RSA 422:19.

LXV. Application procedures and approval criteria for airport sites, as authorized by RSA 422:20.

LXVI. Application procedures for airport licenses, as authorized by RSA 422:28.

LXVII. Application procedures and approval criteria for registration certificates for airmen, parachutists, aircraft, landing areas, and commercial aviation operators, as authorized by RSA 422:24 and 422:26.

LXVIII. Application procedures and approval criteria for certificates of public convenience and necessity, as authorized by RSA 422:24-a.

LXIX. Suspension or revocation of certificates, as authorized by RSA 422:30.

LXX. Aircraft accident reports, as authorized by RSA 422-A:3.

LXXI. Financial security deposits, as authorized by RSA 422-A:4.

LXXII. Application procedures and approval criteria for tall structure permits, as authorized by RSA 422-B:4, 422-B:5, and 422-B:7.

LXXIII. Procedures for tall structure permit investigation, as authorized by RSA 422-B:7.

LXXIV. Tall structure markings, as authorized by RSA 422-B:8.

LXXV. Notice and hearing procedures for air navigation hazards, as authorized by RSA 422-B:9-10.

LXXVI. Procedures for sale of abandoned aircraft, as authorized by RSA 422-C:6.

LXXVII. Preparation of airport-approach plans, as authorized by RSA 424:3-4.

LXXVIII. Airport zoning, as authorized by RSA 424:5.

Appeals

21-J:13 Definition. For purposes of this subdivision, "department decision" means the final action on an application,

petition, or request taken by the commissioner or any department official to whom the commissioner has properly delegated the authority to take such final action. "Department decision" does not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

21-J:14 Appeals Board; Composition; Compensation; Removal.

I. There is established an appeals board consisting of 3 members. One member shall be a registered professional engineer, one member shall be a person admitted to the practice of law in this state, and one member shall be a person skilled in the field of public works and construction who shall represent the general public. There shall be 2 alternate board members, who shall meet at least one of the qualification categories set forth for board members. Each board member and alternate board member shall be appointed by the governor with the consent of the council to a term of 3 years, provided that of the initial members appointed under this section one member shall be appointed to a term of one year, one member to a term of 2 years, and one member to a term of 3 years. Vacancies shall be filled in a like manner for the unexpired term. The governor shall designate one member to serve as board chairman, and the board shall elect one member to serve as vice-chairman. In the event of illness or disqualification of a member as set forth in RSA 673:14, the chairman shall designate an alternate member to act in his place.

II. Members of the board shall each receive a per diem, set by the governor and council out of any available funds of the department, for each day devoted to the work of the board and shall be reimbursed for necessary travel expenses.

III. Members of the board shall be removed only as set forth in RSA 4:1.

21-J:15 Powers and Duties.

I. The board shall hear and decide appeals from decisions of the commissioner relative to contract interpretation or other decisions affecting persons not employed by the department, municipalities, or private property, except condemnations of property for public purposes, and the assessment of damages therefor. Decisions of division directors shall be appealed to the commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions relative to aeronautical matters, which may be appealed to the aviation users advisory board established under RSA 21-J:8, and decisions relative to common carriers by mail, which may be appealed to the railroad appeals board established under RSA 21-J:16.

II. Decisions by the appeals board under paragraph I shall be made within a reasonable time. An appeal to the board shall be a condition precedent to any appeal to any court.

21-J:16 Railroad Appeals Board; Composition; Compensation; Removal; Powers and Duties.

I. There is established a railroad appeals board of 3 members which shall hear all appeals of decisions of the commissioner relative to common carriers by rail. One member shall be a recognized expert on

railroad matters, one member shall be admitted to the practice of law in this state, and one member shall be a person knowledgeable about railroad matters who shall represent the general public. There shall also be 2 alternate board members who shall be similarly qualified. Each board member and alternate board member shall be appointed by the governor with the consent of the council to a term of 3 years, except that of the initial appointments under this section one member shall be appointed to a term of one year, one member to a term of 2 years, and one member to a term of 3 years. Vacancies shall be filled in a like manner for the unexpired term. The governor shall designate one member to serve as board chairman, and the board shall elect a member to serve as vice-chairman. In the event of illness or disqualification of a member as set forth in RSA 673:14, the chairman shall designate one of the alternate board members to act in the absent member's place.

11. Members shall be paid a per diem set by the governor and council out of any available department funds for each day devoted to the work of the board and shall be reimbursed for necessary travel and expenses.

III. Members of the board shall be removed only as provided in RSA 4:1.

IV. The board shall hear and decide appeals from any decision of the commissioner relating to any matters concerning common carriers by rail.

21-J:17 Administrative Support. The commissioner shall provide all necessary and reasonable clerical support requested by the appeals board. At a minimum the commissioner shall:

I. Provide all necessary clerical and support personnel and services in order to:

(a) Prepare notices and other documents required under RSA 541-A as directed by the appeals board and distribute such notices and documents upon the approval of the appeals board;

(b) Schedule the conduct of all appeals board proceedings, with the approval of the appeals board, so as to insure timely and efficient conduct of such proceedings;

(c) Prepare and maintain the record, required by RSA 541-A, of all adjudicative proceedings conducted by the appeals board.

II. Provide comfortable and adequate space for the use of the appeals board in performing its official duties.

III. Prepare, maintain as a public record, and continuously update a document which shall summarize the findings and decisions of the appeals board.

21-J:18 Status as Rehearing. An appeal under this section shall be considered a rehearing for purposes of RSA 541 and any other provision of law requiring a rehearing in the department prior to taking an appeal to any court.

Amend RSA 228:72 as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

228:72 Discontinuances of Service.

Whenever any operator of a public mass transportation system shall file with the department a petition requesting authorization to discontinue service, it shall be the duty of the commissioner, after hearing, to determine if it is in the public interest to discontinue such service, and if it shall be found that it is not in the public interest that such service be discontinued, the commissioner shall so order and prepare a plan for the continued operation or acquisition of such system. If it is found to be in the public interest for such service to be discontinued, the commissioner may so order.

Amend RSA 228:73 as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

228:73 Statutes Not Applicable. Any regular route passenger transportation operation conducted directly by the department or by contract with the department shall not be subject to procurement of any regular agent's operating authority from the department; provided, however, that such operations shall be subject to all safety and insurance standards as set forth by the department for similar operations.

Amend RSA 228:76-92 as inserted by section 15 of the bill by striking out same and inserting in place thereof the following:

Stocks and Other Securities of Common Carriers by Rail

228:76 Authority to Issue Securities. A common carrier by rail lawfully engaged in business in this state may, with the approval of the department, but not otherwise, issue and sell its stock, bonds, notes and other evidences of indebtedness payable more than 12 months after the date thereof for lawful corporate purposes. The proposed issue and sale of securities shall be approved by the department when it finds that the same is consistent with the public good. Such approval shall extend to the amount of the issue authorized and the purpose or purposes to which the securities or the proceeds thereof are to be applied, and shall be subject to such reasonable terms and conditions as the department may find to be necessary in the public interest; provided, however, that the provisions of RSA 293-A shall be observed by corporations organized under the laws of this state in respect of the corporate authorization required and of other formalities to be observed.

228:77 Mortgages. A common carrier by rail may, with the approval of the department but not otherwise, mortgage its present and future property, tangible and intangible, including franchises, to secure the payment of its bonds or notes, including any bonds or notes to be thereafter issued under the provisions of such mortgage; provided, however, that no such approval shall be required for any mortgage of property pursuant to after-acquired clauses

of mortgages securing the payment of bonds or notes issued prior to September 1, 1951.

228:78 Application for Leave To Issue. Any such common carrier by rail which may apply to the department for authority to issue such securities shall file with its application a statement in reasonable detail, showing the actual cost already incurred and the estimated cost to be incurred for any of the purposes for which such securities are to be issued and the actual cost already incurred and the estimated cost to be incurred for such purposes.

228:79 Authorization. The department, after such hearing or investigation as it may deem proper, shall determine the actual or probable cost incurred or to be incurred; and, if in its judgment the issue of such securities upon the terms proposed is consistent with the public good, it shall authorize the same to an amount sufficient, at the price fixed in accordance with the laws applicable thereto, to provide funds for defraying the cost as so determined.

228:80 Certificate. Within 30 days after a final order authorizing an issue of securities, the department shall file in the office of the secretary of state a certificate setting out the amount of the securities which it has authorized and the purposes for which the proceeds thereof may be used.

228:81 Depreciation. Upon any application for authority to issue securities for the purpose of providing funds for discharging any indebtedness incurred by a common carrier by rail in good faith prior to July 1, 1914, in acquiring property, or for other lawful corporate purpose, no deduction shall be made from the cost thereof, as determined by the department, on account of any estimated depreciation of plant and properties beyond the portion, if any, of such cost which it may appear has been paid out of the depreciation reserve of said common carrier by rail, if any, or out of earnings, to make good depreciation.

228:82 Short Term Notes.

I. No common carrier by rail engaged in business within this state shall issue or renew any notes, bonds, or other evidences of indebtedness payable less than 12 months after the date thereof, except as provided in this section, by rules adopted by the department, or by specific order of the department in an individual case.

II. The department may adopt rules under RSA 541-A relative to a reasonable amount of the notes, bonds, or other evidences of indebtedness based on the amount of their respective plant investment which each carrier shall not exceed without first obtaining the approval of the department. In establishing the amounts of the notes, bonds, and other evidences of indebtedness which the carrier is permitted to issue or renew without prior department approval, the department shall consider the size, circumstances, and other characteristics of each carrier, the aggregate term of the renewals of such notes, bonds, and other evidences of indebtedness, and the time period and manner

for reporting such renewals to the department.

228:83 Foreign Business. Common carriers by rail carrying on business both within and without this state shall not be subject to the provisions of RSA 228:76-82 when the stock or obligations are to be issued for the acquisition of property, the construction, completion, extension or improvement of their facilities, or the improvement or maintenance of their service entirely without this state, or the discharge or refunding of their obligations or reimbursement of money actually expended for such purposes.

228:84 Capitalization of Franchises. The department shall have no power to authorize the capitalization, directly or indirectly, of any franchise to be a corporation, or of any franchise or any right to own, operate or enjoy any franchise whatever in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as a consideration for the grant of such franchise or right, all such franchises, rights and privileges being granted in the public interest only, and not justly subject to capitalization against the public.

228:85 Unincorporated Utilities. No unincorporated person or partnership acting as a common carrier by rail shall be required to apply to the department for authority to issue notes or bonds unless the same are to be secured by mortgage of property devoted to public use.

228:86 Application of Proceeds. No common carrier by rail shall apply the proceeds of any stock, bonds or notes to any other purpose than those specified in the order of the department authorizing the issue of the same.

228:87 Account. Every common carrier by rail issuing stocks, bonds or other evidence of indebtedness subject to the provisions hereof shall file with the department an account showing, in such detail as the department shall require, the disposition of the proceeds of such issue.

228:88 Foreign Corporations. Any foreign corporation which shall engage in intrastate business as a common carrier by rail within this state after May 1, 1919, shall be subject to the provisions of RSA 228:76-92, and, by applying for authority to begin or by continuing to engage in such intrastate business after said date, shall be deemed to have consented to said provisions as a condition precedent to its right to engage in such intrastate business.

228:89 Common Carriers. A common carrier by rail for any corporate purpose approved by the department, upon petition of the corporation, may, from time to time, with the authority of the department as provided in RSA 228:76-92, increase its capital stock or bonds beyond the amounts fixed and limited by its articles of association or its charter or by any act of the general court.

228:90 Stockholders. Whenever a common carrier by rail organized under the laws of this state shall issue (1) additional

shares of its capital stock having unconditionally the general right to vote or (2) securities convertible into shares of such capital stock, it shall, except as hereinafter provided, first offer such shares or convertible securities proportionately to holders of its stock having such voting right in such manner as shall have been determined by its directors; provided, however, that if the charter, articles of agreement or stockholder votes authorizing the outstanding stock have limited or eliminated the rights of holders of such outstanding stock to subscribe to such shares or convertible securities, such offer need not be made, except to the extent, if any, required by said charter, articles of agreement or votes.

228:91 Stockholders' Liability. Whenever a common carrier by rail incorporated under the laws of this state shall apply to the department for authority to issue any stock requiring the approval of the department, the stockholders shall not become individually liable for debts and contracts of the corporation under RSA 296:30, if the amount of stock which the department authorized the corporation to issue upon any such application is paid in and a certificate of the treasurer and a majority of the directors to that effect is executed, filed and recorded in the manner provided by RSA 296:30 within 90 days after the filing in the office of the secretary of state of the order of the department authorizing the issue of such stock; provided that, in cases where such stock is an increase of prior capital, the whole amount of the prior capital as theretofore fixed and limited by the corporation, or so much thereof as the stockholders have voted to issue, or as the department has authorized to be issued, has also been paid in and that the certificate so filed by the treasurer and directors shows that fact.

228:92 Exclusions.

I. Any common carrier by rail which is subject to the provisions of 49 U.S.C. section 11301 shall be subject to the provisions of RSA 228:82 but shall not be subject to any of the other provisions of this subdivision.

II. Any common carrier which is subject to RSA 375-A, RSA 375-B, or RSA 376 shall not be subject to the provisions of this subdivision.

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Public Utility; New Definition. Amend RSA 363:2 and 3 by striking out said sections and inserting in place thereof the following:

362:2 Public Utility. The term "public utility" shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations operating within their corporate limits, owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph

messages or for the manufacture or furnishing of light, heat, power or water for the public, or in the generation, transmission or sale of electricity ultimately sold to the public, or owning or operating any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products, cooperative marketing associations organized for purposes of rural electrification, any other business, except as hereinafter exempted, over which on September 1, 1951, the public utilities commission exercised jurisdiction.

362:3 Common Carrier by Rail. The term common carrier by rail shall include every corporation, company association, joint stock association, partnership and person, their lessees, trustees, or receivers appointed by any court, owning or operating any railroad for common carriage of passengers or freight or carrying on a public express business for compensation over the line of any railroad. It shall also include all bridges and other structures owned, leased or used.

Amend the bill by striking out section 19 and inserting in place thereof the following:

19 Railroad Service. Amend RSA 367 by inserting after section 46 the following new section:

367:46-a Railroad Service.

I. No railroad shall tear up and remove or discontinue the use of any portion of its tracks other than spur, industrial or storage tracks, or curtail any part of its service to the public without notice to the department and such notice to the public as the department may direct. Upon complaint or upon its own motion, the department may investigate the reasonableness of the proposed action. Whenever a railroad has been authorized by proper authority to abandon a line, the department, after hearing, may issue an order requiring the removal of rails, ties and structures, at public highway crossings and the removal of piles, bents or piers in rivers and streams that may contribute to holding debris, and require the filling and repaving of the highway. The cost of such removal, fill and repaving shall be apportioned between the railroad, town, city and state as the department shall direct.

II. Any person who violates the provisions of this section or any order of the department issued pursuant to this section shall be guilty of a class B felony if a natural person or guilty of a felony in any other person.

Amend RSA 367:51, I(a) as inserted by section 20 of the bill by striking out same and inserting in place thereof the following:

(a) Annual reports from all railroads. The commissioner shall require that the reports be made under oath;

Amend RSA 367:55-60 as inserted by section 20 of the bill by striking out same and inserting in place thereof the following:

367:55 Complaints; Hearings.

I. The commissioner may investigate, upon complaint or on his own initiative, or hold a hearing, after notice, to determine the appropriateness for any railroad transporting persons or freight between points in this state of:

(a) Any filed or proposed rate, fare or charge; or

(b) Any railroad rule or practice affecting a rate, fare or charge.

II. If the commissioner finds that any rate, fare or charge is unjust, unreasonable, unlawful or unjustly discriminatory or unduly preferential or prejudicial, the commissioner may order:

(a) A new rate, fare or charge, including maximum or minimum amounts; or

(b) A new rule or practice to be followed by the railroad.

367:56 Accidents. The commissioner shall require reports of all accidents involving derailments or personal injury, or both, including loss of life, and investigate all such accidents.

367:57 Lights on Railroad Track Motor Cars. Every person, firm or corporation operating or controlling any railroad running through or within the state shall equip each of its track motor cars or similar vehicles used during the period from 30 minutes before sunset to 30 minutes after sunrise with an electric headlight of such construction and with sufficient candlepower to render plainly visible at a distance of not less than 300 feet in advance of such track motor car any track obstruction, landmark, warning sign or grade crossing, and further shall equip such track motor car with a red rear electric light of such construction and with sufficient candlepower as to be plainly visible at a distance of 300 feet.

Amend RSA 422:9 as inserted by section 28 of the bill by striking out same and inserting in place thereof the following:

422:9 Investigations. The director, division of aeronautics shall have the power to hold investigations, inquiries and hearings concerning aircraft accidents and violations or in connection with any matter relating to aeronautics and is authorized to do so jointly with any agency of the United States.

Amend the bill by striking out section 29 and inserting in place thereof the following:

29 Hazards; Purchases. Amend RSA 422:10-11 by striking out said sections and inserting in place thereof the following:

422:10 Purchase and Operation of Aircraft. The commissioner, after consultation with the director of aeronautics, is hereby authorized to lease, and to maintain and operate such aircraft as may be approved by the governor and council,

and to provide for the use of such aircraft by other departments and agencies of the state. The commissioner is further authorized to adopt rules under RSA 541-A relative to the use of such aircraft and to establish fees for the use thereof. All fees collected from state departments and agencies under this section shall be credited to a special fund to be used to pay costs of maintenance and operation of said aircraft. Funds in said special fund shall not lapse but may be used as a revolving fund for the purposes of this section.

422:11 Hazards to Air Navigation. The commissioner shall adopt rules, under RSA 541-A, requiring all persons to give adequate public notice, in the form and manner prescribed by the commissioner, of the construction or alteration or the proposed construction or alteration of any structure where such notice will promote safety in air navigation.

Amend the bill by striking out sections 37-40 and inserting in place thereof the following:

37 Incumbent Assistant Commissioner. The position of assistant commissioner of the department of public works and highways shall be abolished on January 1, 1986. If the effective date for the department of transportation, as provided in section 2 of this act, occurs before January 1, 1986, then the incumbent assistant commissioner shall serve within the department of transportation until January 1, 1986, and at the same salary he is receiving on the effective date for the department of transportation.

38 Incumbent Deputy Commissioner. The position of deputy commissioner of the department of public works and highways shall be abolished on January 1, 1986. If the effective date for the department of transportation, as provided in section 2 of this act, occurs before January 1, 1986, then the incumbent deputy commissioner shall serve within the department of transportation until January 1, 1986, and at the same salary he is receiving on the effective date for the department of transportation.

39 Incumbent Administrators. The incumbent classified administrators of the divisions of administration, project development, operations, and public works, and transportation within the department of public works and highways shall become the initial directors of the divisions of administration, project development, operations, and public works, respectively. They shall remain classified employees for as long as they serve. When a vacancy occurs in any one of those positions, the positions shall become unclassified and they shall be appointed as set forth in RSA 21-J:3, II.

40 Repeals. The following are repealed:
I. RSA 228:2; 228:3; 228:16; 228:17; 228:18; 228:19; and 228:54, III-IV, relative to the department of public works and highways.

II. RSA 369:17, relative to exclusions from public utility securities regulation.

III. RSA 370:10, relative to railroad car equipment.

IV. RSA 371:8, relative to railroad condemnation proceedings.

V. RSA 374:16; 374:20; 374:21; 374:29; and 374:37, relative to railroad regulation by the public utilities commission.

VI. RSA 378:12; 378:13; and 378:25, relative to railroad regulation by the public utilities commission.

VII. RSA 422:4; 422:5; 422:6; 422:7; and 422:8, relative to the state aeronautics commission.

VIII. RSA 422:12 and 422:13, relative to the director of aeronautics.

IX. RSA 422-B:16, relative to rules and regulations.

41 Effective Date.

I. Sections 1, 2, 3, 4, 5, 34, 35, II(a), 36, 37, 38, and 40 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect when the department of transportation becomes operational on the date set according to 1983, 372:5, II.

Amend the bill by striking out section 9 and renumbering sections 10-41 as 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40.

Amendment adopted.

Rep. Labobarde spoke against the Committee report.

Reps. Harold Watson and Bibbo spoke in favor of the Committee report and yielded to questions.

Rep. Hoar requested a quorum count.

The Speaker declared a quorum present.

Rep. Hoar spoke against the Committee report and yielded to questions.

Rep. Ward spoke in favor of the Committee report and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Labobarde requested a division.

215 members having voted in the affirmative and 108 in the negative, SB 200 was ordered to third reading.

Rep. Welch notified the Clerk that he wished to be recorded against SB 200.

SB 130-FN, providing for a moose hunting season. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill implements a comprehensive moose management program allowing the Fish and Game Department to better control and balance the moose herd. Vote 18-2. Rep. Laura Pantelakos for the Majority of Fish and Game.

MINORITY: Although looking from a Fish and Game Department standpoint, that there is enough biological data to warrant a moose management plan and subsequent hunt, the moose is a multiple use resource which must be shared, not only with tourists, photographers, nature lovers, etc. This bill does not address the social, economic, and political aspects of managing our moose population. (Reps. David M. Scanlan, Colon Chappell for the Minority of Fish and Game.)

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

implementing a comprehensive moose management program.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Season Provided. Amend RSA 208:1-a as inserted by 1965, 83:1 as amended by striking out said section and inserting in place thereof the following:

208:1-a Moose.

I. No person shall hunt, take, or have in his possession any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a hunting season of up to 3 consecutive days for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year, which may not exceed 75 the first season.

II. The executive director, with the consent of the commission, may also adopt rules under RSA 541-A regulating the issuance of licenses or permits.

III. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the moose management fund, to which all fees collected by the fish and game department from the moose licenses and applications shall be applied. The moneys in this account shall be used exclusively for the implementation of a comprehensive moose management program, including education, research, protection and management, and are hereby appropriated for said purposes.

IV. Prior to the establishment of any hunting season for moose, the executive director shall implement a comprehensive moose management program that shall include, but not be limited to: education of the public as to the biological status and management needs of the moose; research to determine the population, distribution, and future trends and needs of the New Hampshire moose herd; and management measures, which may include hunting, as well as habitat enhancement, to promote the maintenance of a healthy moose population. Every 2 years, the executive director shall report in writing to the legislature the status of the moose in New Hampshire, and the performance of the moose management program.

2 Possession of Carcass. Amend RSA 208:9 as amended by striking out said section and inserting in place thereof the following:

208:9 Possession of Deer and Moose. Wild deer or moose, or any part of the

carcass of wild deer or moose, lawfully taken, may be possessed until February 1 next following the date when taken, and not otherwise, except as provided in this section for frozen meat and as otherwise permitted by the executive director. Any part of the carcass of wild deer or moose solidly frozen may be possessed in a freezer during the closed season on deer or moose. The deer or moose tag shall be with the deer or moose or any part of its carcass at all times. Possession of wild deer or moose or any part of its carcass without the deer tag and registration seal or the moose tag and registration seal being attached or as otherwise permitted by this section or by special permission of the executive director or his agent shall be prima facie evidence that such deer or moose was unlawfully taken. A person may bring into this state and possess a deer or moose lawfully taken in another state or Canada if such person obtains from the executive director within 10 days after bringing such deer or moose into the state a permit to possess such deer or moose. Any person who violates this section or any rule authorized by this section, and adopted under RSA 541-A by the executive director, shall be guilty of a misdemeanor.

3 Penalties. Amend RSA 208:21, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. RSA 208:3, 3-a, 3-b, 3-c, 4, 5, 5-a, 6-a, 10 and 12-17 inclusive shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

4 Effective Date. This act shall take effect upon its passage.

Rep. Scanlan moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Perham and Dickinson spoke against the motion.

Reps. Chappell and Pantzer spoke in favor of the motion.

Reps. Felch, Powers and Doris Riley spoke against the motion and yielded to questions.

Reps. Rehlander and Schotanus spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Doris Riley requested a roll call. Sufficiently seconded.

(Speaker presiding)

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YEAS 138

BELKNAP: Bolduc, Bowler, Brough, Richard Campbell, Dexter, Golden, Malcolm Harrington, Holbrook and James J. White.

CARROLL: Russell Chase and Schofield.

CHESHIRE: Daniel Eaton, Matson, Morse, Parker, Perry, Ramsay, Ridge, Russell, Schwartz and Young.

COOS: Chappell, Guay, Marsh and Mayhew.

GRAFTON: Arnesen, Christy, Crory, Densmore, Duggan, LaMott, McAvoy, Scanlan, Stewart and Howard Townsend.

HILLSBOROUGH: Barry, Bergeron, Bourdon, Boutwell, Bridgewater, Burkush, Leslie Burns, Charron, Chretien, Clancy, Cote, Cronin, William Dion, Donovan, Duperron, Durant, Dwyer, Fields, Nancy Ford, Fried, Scott Green, Marian Harrington, Herod, Hogan, Holden, Jasper, George Jones, Lown, Lozeau, McCue, Messier, Elizabeth Moore, Murphy, Nelson, Newcombe, O'Rourke, Pappas, Paradis, Pellow, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Vanderlosk, Frank Whittemore, M. Arnold Wight, Winn, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bibbo, Daniell, Jelley, C. William Johnson, Arthur Locke, Pannell, Pantzer, Phelps, Rehlander, Roberts and Savaria.

ROCKINGHAM: Benton, Blanchard, Patti Blanchette, Marilyn Campbell, Lawrence Chase, Connors, Ellyson, Bert Ford, Thomas Gage, Elizabeth Greene, Robert Johnson, George Katsakiores, Krasker, Lovejoy, McCain, Newman, Pevear, Popov, Raynowska, Sanderson, Schmidtchen, Splaine, Stachowske, Vaughn and Woodward.

STRAFFORD: Burton, Callahan, Donnelly, Patricia Foss, Keans, O'Brien, Spear and Ralph Torr.

SULLIVAN: Domini, Ingram, Paul Johnson, McKee, Normandin and Schotanus.

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BELKNAP: Birch, Brown, Hardy, Hawkins, Jensen, Pearson and Randall.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers and Saunders.

CHESHIRE: Blacketer, Burley, Delano, Frink, Irvin Gordon, Grodin, William Riley and Thompson.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne and Theriault.

GRAFTON: Bean, Driscoll, Hutchings, Wayne King, Mann, Rounds, Taffe, Cladsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Beaupre, Bernier, Lionel Boucher, Carragher, Cox, Crotty, Ducharme, Dupont, Clyde Eaton, Joseph Eaton, Gagnon, Grip, Healy, Hendrick, Hyman, Chris Jacobson, Kelley, Labombarde, Levesque, Howard Mason, Morrisette, Nute, Paquette, Pariseau, Parmenter, Perham, Prestipino, Frances Riley, Philip Rodgers, Sallada, B. P. Smith, Steiner, Sylvia, Turgeon, Van Loan, Harold Watson, Emma Wheeler, Kenneth Wheeler and Lucille Wood.

MERRIMACK: Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Kidder,

Lewis, Nichols, Doris Riley, Linwood Rogers, Shepard, Gerald R. Smith, Stio and West.

ROCKINGHAM: Blaisdell, William Boucher, Burdick, Conroy, Day, Emanuelson, Felch, Flanagan, Harry Flanders, Beverly Gage, Goss, Hoar, Joslyn, Kane, Phyllis Katsakiores, Roger King, Longworth, Mace, Magoon, Malcolm, Robert Mason, McKinney, Palumbo, Pantelakos, Parr, Quimby, Norman Rogers, Romoli, Rosencrantz, Scamman, Schwaner, Skinner, Sloan, Sochalski, Sytek, Tufts, Warburton and Welch.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Hussey, Robert Jones, Kincaid, Lussier, Meader, Pelley, Francis Robinson, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Lindblade, Meghan, Rodeschin, Spaulding and Sara Townsend, and the motion lost.

Rep. Durant notified the Clerk that he inadvertently voted yea and meant to vote nay.

Question now being on the Committee amendment.

Amendment adopted.

Referred to Appropriations.

SB 128-FN, relative to public assistance. Ought to Pass.

This bill was amended in the Senate to delete the funding and to restrict the coverage to medically handicapped children under 18 years of age. There are presently 250 children who are severely handicapped who are ineligible for any medical assistance. The Committee felt that this bill should be enacted into law to be ready in the event funds become available. Vote 14-2. Rep. Marion L. Copenhaver for Health and Human Services.

Referred to Appropriations.

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding. Ought to Pass with Amendment.

This bill, as amended, provides for annulment of certain arrest records and makes it clear that inmates in penal institutions who perform labor or services are excluded from collecting workers' compensation. Additionally, the bill makes a number of modifications to the parole and probation chapter. These include a provision for house arrest, establishment of a supervision fee to be paid by probationers and parolees unless indigent, limitations on bail for probationers and parolees who commit new crimes, and warrantless arrest for violation of conditions of probation and parole. Vote 13-3. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to annulments of arrest records, the exclusion of certain criminal offenders from workers' compensation, and supervision and control of probationers and parolees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Annulment of Arrest Records. Amend RSA 651:5 by inserting after paragraph X the following new paragraph:

XI. A person whose arrest results in a finding of not guilty may, upon that finding, apply to the court in which the not guilty finding was entered for an order to annul his record of arrest. Procedures governing application for an entry of an order annulling an arrest record shall be established by rule of court. The court shall enter the order of annulment if the court finds that such an order is consistent with the public welfare. Paragraphs VIII and X of this section shall apply to persons whose arrest records are annulled under this paragraph. Whenever an arrest record has been annulled by the court, a copy of the annulment order shall be immediately forwarded to the division of state police and any other law enforcement agency which made the arrest or filed the original charge.

2 Disclosure of Annulled Records.

Amend RSA 651:5, X as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

X. A person is guilty of a misdemeanor if, during the life of another who has had a record of conviction or arrest annulled pursuant to this section, he knowingly discloses or communicates the existence of such record.

3 Criminal Offenders Excluded From Workers' Compensation. Amend RSA 281:2 as amended by inserting after paragraph IV-b the following new paragraph:

IV-c. Employee, with respect to private and public employment, shall not include any person who has been sentenced to the state prison or a county house of correction and who performs labor or services with or without remuneration for the corrections facility. Employee, with respect to private and public employment, shall not include any offender whom a court has sentenced, as a condition of discharge or probation, to community service or public work projects.

4 New Chapter; Probation. Amend RSA by inserting after chapter 504 the following new chapter:

CHAPTER 504-A PROBATIONERS AND PAROLEES

504-A:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of corrections.

II. "Officer" means any probation or parole officer under the supervision of the commissioner.

III. "Parole board" means the adult parole board established under RSA 651-A:3.

IV. "Parole conditions" means the restrictions and limitations established by the adult parole board for the conduct and behavior of a parolee.

V. "Parolee" means a prisoner who has been paroled by the adult parole board under the provisions of RSA 651-A.

VI. "Probation conditions" means the restrictions and limitations established by the court for the conduct and behavior of a probationer.

VII. "Probationer" means a person, as defined in RSA 625:11, 11, who has been sentenced under RSA 651:2, V to a term of probation.

504-A:2 Probationers and Parolees in or of Other Jurisdictions. Under RSA 651-A:25, probationers or parolees may be transferred for supervision and control between states which are signatories to a compact entered into under that section. New Hampshire probationers and parolees whose supervision has been transferred to other states are subject to the rules, regulations, policies, and procedures in effect in the state to which they are transferred. Probationers and parolees transferred to New Hampshire for supervision shall be held accountable and be supervised and controlled under the same rules, policies, and procedures as apply to New Hampshire probationers and parolees.

504-A:3 Termination of Probation or Parole. The authority that placed a person on probation or parole may terminate the probation or parole at any time.

504-A:4 Violation of the Terms of Probation or Parole. Any probationer or parolee may be arrested without warrant at any time by any probation or parole officer, or any other officer authorized to arrest upon request of a probation or parole officer, when the probation or parole officer has reason to believe that the probationer or parolee has violated the conditions of his probation or parole.

504-A:5 Detention of Violators. Any probationer or parolee who is arrested under the authority of RSA 504-A:4 shall be detained at the county jail closest to the location where he was arrested or any other suitable confinement facility in reasonable proximity to the location where he was arrested. He shall be detained there pending a preliminary hearing. No sheriff or county correctional administrator shall refuse to accept a probationer or parolee committed to his facility for detention by or under the authority of a probation or parole officer.

504-A:6 Preliminary Hearing. The facts and circumstances surrounding the arrest and detention of any probationer or parolee shall be expeditiously reviewed at a preliminary hearing meeting the due process requirements of federal law.

504-A:7 Transfer of Supervision. The department of corrections may transfer supervision of a probationer or parolee from one probation or parole officer to another at any time.

504-A:8 Appointment of State Officers. State probation and parole officers shall be appointed by the commissioner under the rules of the department of personnel,

consistent with the funding provided for full and part-time probation and parole officers.

504-A:9 Supervision by Commissioner. The commissioner shall exercise technical supervision over all probation and parole officers in the state, except those assigned to the division of children and youth services, no matter by whom employed or appointed.

504-A:10 Local Probation Officers. Counties, cities, and towns may employ local probation officers who have been certified as having met minimum qualifications established by the commissioner in rules adopted under RSA 541-A. No person shall serve as a probation officer without current certification, and certification may be withdrawn by the commissioner for cause. All such officers shall be subject to supervision by the commissioner, pursuant to rules adopted by the commissioner.

504-A:11 Assignment and Removal. Probation and parole officers shall be assigned or reassigned to geographical regions within the state in consonance with the duties to be accomplished. They may be assigned any duties determined appropriate by the commissioner, except that locally funded officers shall not be assigned duties outside of the jurisdiction which compensates them without approval of the court they service and the jurisdiction which provides compensation.

504-A:12 Powers and Duties of Probation or Parole Officers. The powers and duties of probation or parole officers shall be:

I. To serve as officers of the court and to investigate at the request of any court, the parole board, or the commissioner any case, matter, or question, whether pending or not, and to report the results of such investigation with recommendations to the authority which ordered the investigation.

II. To take charge of and to provide supervision to persons placed on probation or parole, attempting to assist them in establishing law-abiding lives while monitoring their behavior through office, home, work, and other contacts to insure that they comply with their probation or parole conditions.

III. To report promptly to the appropriate court or the parole board violations of probation or parole conditions which are required by statute, the parole board, or the court or which, in the opinion of the officer, are serious enough to warrant consideration by the authority authorizing probation or parole. Such reports shall include recommendations as to any actions which the officer believes to be appropriate.

IV. To expeditiously arrest or cause to be arrested any probationer or parolee against whom any arrest warrant or capias has been issued by any authority.

V. To expeditiously arrest or cause to be arrested any probationer or parolee in accordance with RSA 504-A:4-6.

VI. To collect or to supervise the collection of any fees, fines, or restitution payments ordered and to administratively process these funds under

rules adopted under RSA 541-A by the commissioner.

VII. To discharge any other duties or responsibilities assigned by the commissioner or his designated representative or the courts.

504-A:13 Supervision and Service Charges. The court or the parole board shall establish a supervision fee for probationers and parolees. The fee shall not be less than \$10 a month, unless waived by the court or board, and may be any greater amount as established by the court or board. The board shall adopt rules under RSA 541-A relative to a fee schedule. This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee is indigent and, for that reason, unable to pay the fee. Service charges for collection of fees, fines, and restitution shall be established at 10 percent of the funds collected.

5 Bail for Persons on Probation or Parole who are Arrested. Amend RSA 597 by inserting after section 1-a the following new section:

597:1-b Probationers and Parolees Excepted. Notwithstanding the provisions of RSA 597:1 and 597:1-a, a person serving a sentence of probation under RSA 651:2, V or a term of parole under RSA 651-A who is arrested on a new misdemeanor or felony charge shall not be eligible for bail until the supervising probation or parole officer or his designee has been notified and has caused a preliminary hearing to be conducted under the provisions of RSA 504-A:6.

6 Confinement to Place of Residence as Condition of Probation. Amend RSA 651:2, V as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

V. A person may be placed on probation if the court finds he is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose, including confinement to the person's place of residence for specified periods of time. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony, 2 years for a misdemeanor, and one year for a violation. Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it.

7 Public Service Work; Protection for Employer. Amend RSA 651 by inserting after section 64 the following new section:

651:64-a Public Service Work; Protection for Employer. Public service work for the benefit of a public employer, as defined in RSA 273-A:1, X, or a bona fide charitable institution may be ordered. However, no person who performs services for the benefit of a public employer or charitable trust under this section shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits. No such employer shall be liable for any damages sustained by

a person while performing services for the benefit of the employer or any damages caused by that person, unless the employer is guilty of gross negligence.

8 Arrest of Parolees. Amend RSA 651-A by inserting after section 15 the following new section:

651-A:15-a Arrest of Parolees. Any parolee may be arrested and detained by a probation or parole officer in accordance with RSA 504-A:4-6.

9 Revocation Hearing. Amend RSA 651-A:17 (supp) as inserted by 1983, 461:16 by striking out said section and inserting in place thereof the following:

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15-a shall be entitled to a hearing before the board within 30 days, in addition to any preliminary hearing which is required under RSA 504-A:6. The parolee shall have the right to appear and be heard at the revocation hearing. If the board, after a hearing, finds that the parolee has violated the conditions of his parole, violated the law, or associated with criminal companions and in their judgment should be returned to the custody of the commissioner of corrections, the board shall revoke his parole. A prisoner whose parole is revoked shall be recommitted to the custody of the commissioner of corrections.

10 Cross Reference. Amend RSA 651-A:21, I (supp) as inserted by 1983, 461:16 by striking out said paragraph and inserting in place thereof the following:

I. Upon the expiration of the term of his maximum sentence as provided in RSA 651-A:18 and 19, a paroled prisoner shall be entitled to receive a final discharge, provided that at the time of such expiration no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has been issued or an arrest has been made under RSA 651-A:15-a.

11 Repeal. The following are hereby repealed:

I. RSA 504, relative to probation.

II. RSA 651-A:15, relative to a complaint for violation of parole.

12 Effective Date. This act shall take effect January 1, 1986.

Amendment adopted.

Ordered to third reading.

SB 135, extending the due process rights of certain teachers. Majority: Refer for Interim Study. Minority: Ought to Pass.

MAJORITY: The Committee could not reach an agreement on several votes, therefore felt the matter should be studied further to see if any workable legislation, to satisfy those involved, could be written. Vote 13-9. Rep. Frank J. Sylvia for the Majority of Judiciary.

MINORITY: Senate Bill 135 would extend the right to reasons and school board hearings, under New Hampshire's Fair Dismissal Law for public school teachers, for experienced New Hampshire teachers who transfer to another New Hampshire school district. These

experienced teachers would gain access to fair due process after 2 years instead of another 3 years. The bill will update this provision to prevent arbitrary dismissals and recognize the need for fair treatment of teachers who change schools. The issue was studied last year and is a compromise and an improvement in the law. (Reps. Maureen Raiche, Peter Zis, Donnalee Lozeau, David E. Cote, Marc Chretien, Beverly Hollingworth, Daniel Healy, Michael Jones for the Minority of Judiciary.)

Rep. Raiche moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Refer for Interim Study, spoke to her motion and yielded to questions.

Reps. Sylvia, Thomas Gage, Taffe and Sytek spoke against the motion.
Reps. Bryant and Hawkins spoke in favor of the motion.

Rep. James Chandler spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Raiche requested a roll call.
Sufficiently seconded.

(Speaker presiding)
YEAS 138 NAYS 175
YEAS 138

BELKNAP: Bowler, Brough, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase and Dickinson.

CHESHIRE: Blacketor, Delano, Irvin Gordon, Matson, Perry, Ramsay, William Riley, Russell and Schwartz.

COOS: Brideau, Harold Burns, Chappell, Coulombe, Guay, Lamontagne, Mayhew and Theriault.

GRAFTON: Arnesen, Bean, Crory, Densmore, Duggan, Hutchings, Wayne King, LaMott and Stewart.

HILLSBOROUGH: Beaupre, Bergeron, Bernier, Bridgewater, Burkush, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Donovan, Duperron, Dupont, Durant, Dwyer, Fields, Gagnon, Scott Green, Healy, Holden, Chris Jacobson, George Jones, Lozeau, Morrisette, Nelson, Newcombe, Nute, O'Rourke, Pappas, Paquette, Parmenter, Pressly, Raiche, Reardon, Shriver, Leonard Smith, Steiner, Mary Sullivan, Turgeon, Emma Wheeler, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, James Chandler, Connolly, Jelley, Pannell, Rehlander and West.

ROCKINGHAM: Blanchard, Patti Blanchette, Connors, Flanagan, Harry Flanders, Beverly Gage, Elizabeth Greene, Hoar, Robert Johnson, Roger King, Krasker, Mace, Magoon,

Malcolm, Newman, Pantelakos, Quimby, Rosencrantz, Sanderson, Scamman, Skinner, Warburton and Woodward.

STRAFFORD: Appleby, Bernard, Bryant, Burton, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Frechette, Hussey, Kincaid, Lussier, Meader, O'Brien, Pelley, Francis Robinson, Spear and Ralph Torr.

SULLIVAN: Call, Paul Johnson and Normandin.

NAYS 175

BELKNAP: Birch, Bolduc, Brown, Richard Campbell, Dexter, Golden and Hardy.

CARROLL: Robert Holmes, Hounsell, Kenneth MacDonald, McIntire, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Burley, Daniel Eaton, Frink, Grodin, Morse, Parker, Ridge, Thompson and Young.

COOS: Chardon, Frederic Foss, Horton and Marsh.

GRAFTON: Christy, Driscoll, Mann, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Lionel Boucher, Bourdon, Boutwell, Leslie Burns, Carragher, Charron, Cox, Ducharme, Dykstra, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Grip, Marian Harrington, Hendrick, Herod, Hogan, Hyman, Jasper, Kelley, Labombard, Levesque, Low, Howard Mason, McCue, Messier, Elizabeth Moore, Murphy, Paradis, Pariseau, Pellow, Perham, Prestipino, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, B. P. Smith, Vanderlosk, Harold Watson, Kenneth Wheeler and Frank Whittemore.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Cate, Daniell, Fraser, Gilbreth, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Arthur Locke, Nichols, Pantzer, Phelps, Doris Riley, Roberts, Linwood Rogers, Savaria, Shepard, Gerald Smith and Stio.

ROCKINGHAM: William Boucher, Burdick, Marilyn Campbell, Lawrence Chase, Conroy, Day, Ellyson, Emanuelson, Felch, Bert Ford, Thomas Gage, Goss, Haynes, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Longworth, Lovejoy, Robert Mason, McCain, McKinney, Palumbo, Parr, Pevear, Popov, Raynowska, Norman Rogers, Romoli, Schmidchen, Schwaner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vartanian, Vaughn and Welch.

STRAFFORD: Bates, Berkey, Callahan, Edward Flynn, Patricia Foss, Robert Jones, Keans, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Lindblade, McKee, Meghan, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the motion lost.

Question now being on the report of the Majority, Refer for Interim Study.
Adopted.

SB 204, establishing a New Hampshire public employee safety act. Ought to Pass. The Committee felt that public employees should be protected from unsafe working conditions in their workplace. This bill establishes a limited occupational safety statute for a public employee working for the State or its political subdivision by amending provisions of RSA 277 - Safety and health of employees. This bill would direct the Commissioner of Labor to adopt rules establishing the rights of employees based on existing statutory and regulatory rights; and give the employee certain procedures to follow if an employer retaliated against the employee who refused to work under unsafe conditions. Under these rules the Commissioner shall authorize a stop work order when an imminent danger exists in the place of employment. The rule making authority given to the Commissioner of Labor in this bill is repealed on July 1, 1987 unless extended by the 1987 Legislature thus giving all concerned time to evaluate this issue. Vote 8-6. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

Ordered to third reading.

SB 115, relative to financial disclosure by elected officials. Refer for Interim Study.

By a vote of 16-1, the Committee added SB 115 to another ethics bill (HB 773) already sent to study. Though different in application and income received, both concern ethics and should be studied in concert. Rep. James A. Chandler for Legislative Administration.

Referred for Interim Study.

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions. Ought to Pass with Amendment.

This bill, as amended, legalizes the town meetings of several towns, school districts and a fire district. These are due to minor errors relating to the actions taken at the 1985 town meetings. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to town meetings, school district meetings, and fire district meetings.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Town of Pittsfield.

I. The board of selectmen of the town of Pittsfield is hereby authorized to hold a special town meeting. The purpose of this special town meeting shall be to discuss and possibly determine the following:

(a) The alternatives of rebuilding or relocating the fire-damaged town hall; and the issues of appropriating funds for rebuilding the damaged town hall or purchasing a new building to serve as the town hall or purchasing land on which to build a new town hall.

(b) Adoption of amendments to the Pittsfield housing ordinance.

2 Town of Stratford. All actions, votes and proceedings whereby the town of Stratford acted at its March 13, 1984, town meeting to appropriate \$1,650,000 for the construction of wastewater and sewerage treatment facilities, to authorize borrowing \$294,360 to finance a portion of such construction and to authorize its board of selectmen to expend federal grants for such construction are hereby legalized, ratified and confirmed.

3 Town of Wakefield. All actions, votes and proceedings of the Wakefield annual town meeting held on March 12, 1985, are hereby legalized, ratified and confirmed.

4 Wakefield School District. All actions, votes and proceedings of the Wakefield school district meeting held on March 19, 1985, are hereby legalized, ratified and confirmed.

5 Town of Nelson. Notwithstanding that the warrant for its 1985 annual town meeting stated that such meeting was for 1984 rather than 1985, all actions, votes and proceedings of the Nelson annual town meeting held on March 12, 1985, with the exception of the voice vote to issue a \$27,500 "long term bond or note" as partial payment on a new fire truck, are hereby legalized, ratified and confirmed. The town of Nelson is hereby authorized to hold a special town meeting to vote on a method to raise \$27,500 as partial payment on a new fire truck.

6 Town of Alexandria. All actions, votes and proceedings of the Alexandria annual town meeting held on March 12, 1985, including the vote to appropriate \$130,000 for the purchase of a new road grader, are hereby legalized, ratified and confirmed.

7 Conway Village Fire District. All actions, votes and proceedings of the annual meeting of the Conway village fire district held on March 25, 1985, authorizing the borrowing of \$125,000 for the purchase of a new fire truck, are hereby legalized, ratified and confirmed, and the commissioners of the district are authorized to borrow \$125,000 under RSA 33.

8 Town of Alton. All acts, votes and proceedings of the Alton regular town meeting, including the announcement and posting of the filing of zoning protest petitions, held on March 12 and 13, 1985, are hereby legalized, ratified and confirmed.

9 Effective Date. This act shall take effect upon its passage.

Amendment adopted.
Ordered to third reading.

SCR 3, urging the reestablishment of salmon and shad in the Merrimack River. Ought to Pass.

This resolution re-affirms fish and game, agriculture, etc. positions that anadromous fish, farming, etc. have an equal right to the use of river resources and advises the Federal Energy Regulatory Commission that our rivers have many concerns to the public use, safety, and welfare and the Committee wishes to emphasize that anadromous fish, etc. have equal right to use. Vote 17-2. Rep. Gerard E. Powers for Fish and Game.

Rep. Doris Riley moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass, and spoke to her motion.

Referred for Interim Study.

SB 144-FN, establishing a victims' assistance program and a STOP-DWI program, funded through \$100 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked. Refer for Interim Study.

This is a good bill whose time is long overdue. However, in testimony several areas emerged which need more work. When the changes are ironed out, this bill will provide for assistance to victims and a DWI prevention program. Vote 12-0. Rep. Stephen Sloan for Transportation.

Referred for Interim Study.

SB 211-FN, relative to the road toll statute. Inexpedient to Legislate.

Even though the passage of this bill would extend reciprocity to all out-of-state trucks, New Hampshire truck owners would still have to pay the fee levied in other states in which they travel. A lawsuit is pending against New Hampshire questioning the authority of New Hampshire to impose retaliatory taxes, but no decision has been reached at this time. Until then any intelligent decision of SB 211 is not possible. Vote 10-1. Rep. Donald F. Lamontagne for Transportation.

Rep. Irvin Gordon moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Krasker and Rounds spoke in favor of the motion.

Motion adopted.

Rep. Irvin Gordon offered an amendment.

Amendment

Amend RSA 260:52, V as inserted by section one of the bill by striking out same and inserting in place thereof the following:

V. Every user shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on January 1 of each year, on such forms as the department may prescribe at a fee of \$20. However, the director shall waive the fee if the vehicle is registered in this state. It shall be unlawful for any owner or driver to drive or cause to be driven any motor vehicle propelled by such fuel over the ways of this state unless he is the holder of a valid user's license or has been granted authority to drive on a temporary basis as provided in RSA 260:52, VI. Notwithstanding this provision, all pleasure-type vehicles registered exclusively in another state shall be exempted from the requirements of a user's license. For the purposes of this section, pleasure-type vehicles shall be limited to passenger vehicles not used for the common or contract carriage of passengers, pickup trucks having not more than 2 axles, vans with a registered gross weight of 7,000 pounds or less, and buses which have been structurally altered for use as campers which are not common or contract carriers of passengers and do not have a seating capacity of more than 12 passengers.

Amend RSA 260:52, V as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. Every user shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on July 1 of each year, on such forms as the department may prescribe at a fee of \$20. However, the director shall waive the fee if the vehicle is registered in this state. It shall be unlawful for any owner or driver to drive or cause to be driven any motor vehicle propelled by such fuel over the ways of this state unless he is the holder of a valid user's license or has been granted authority to drive on a temporary basis as provided in RSA 260:52, VI. Notwithstanding this provision, all pleasure-type vehicles registered exclusively in another state shall be exempted from the requirements of a user's license. For the purposes of this section, pleasure-type vehicles shall be limited to passenger vehicles not used for the common or contract carriage of passengers, pickup trucks having not more than 2 axles, vans with a registered gross weight of 7,000 pounds or less, and buses which have been structurally altered for use as campers which are not common or contract carriers of passengers and do not have a seating capacity of more than 12 passengers.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Irvin Gordon explained the amendment.

Amendment adopted.

Ordered to third reading.

OPINION OF THE JUSTICES

The following resolution, House Resolution No. 28, requesting an opinion of the justices, was adopted by the House of

Representatives on April 2, 1985, and filed with the Supreme Court on April 8, 1985:

"WHEREAS, there is pending before the house of representatives HB 413, 'An Act transferring the town of Barnstead from the Laconia district court to the Pittsfield district court;' and

"WHEREAS, this bill would redraw the Pittsfield judicial district so that the district included the towns of Pittsfield, Chichester and Epsom in Merrimack county and the town of Barnstead in Belknap county, thus creating the first judicial district to cross county lines; and

"WHEREAS, part one, article 17 of the New Hampshire constitution was amended in 1978 by adding the words 'or judicial district' so as to guarantee, in criminal prosecutions, the right to trial in the county or judicial district in which the crime was committed; and

"WHEREAS, the supreme court of the state of New Hampshire interpreted part one, article 17, of the New Hampshire constitution to require a defendant seeking a change of venue to prove that he cannot obtain a fair and impartial trial in the county in question, *State v. Sullivan*, 121 N.H. 301, 303, 428, A.2d 1247 (1981); now, therefore, be it

"RESOLVED by the House of Representatives:

"That the justices of the supreme court be respectfully requested to give their opinion upon the following question:

"Does part one, article 17 of the New Hampshire constitution permit the creation of judicial districts that are comprised of contiguous municipalities located in different counties?

"That the house clerk transmit 7 copies of this resolution to the justices of the supreme court along with an equal number of copies of HB 413."

The following reply was returned:

To the House of Representatives:

The undersigned justices of the supreme court reply as follows to the question contained in your resolution of April 2, 1985, filed in this court on April 8, 1985. Interested parties were permitted to file memoranda with the Court until April 19, 1985.

In the 1974 Constitutional Convention two resolutions were introduced to amend part I, article 17 of the New Hampshire Constitution relating to venue. Delegate Hess of Hooksett introduced resolution 19, which provided that a trial may be held in the county or judicial district where the crime is committed and deleted the "general insurrection" provision required for a change of venue. Resolution 47 introduced by Delegate Hatfield of Hillsborough would have changed references to "counties" in article 17 to "judicial districts." This would enable closely linked communities like Tilton-Northfield or Henniker-Hillsborough to have trials in a district court that had jurisdiction in more than one county.

Both resolutions were referred to the judicial department of the convention. Journal of Constitutional Convention 23, 27 (May 8, 1974). On June 13, 1974, the following report on resolution 19 was approved by the convention:

"Resolution No. 19, relating to venue of criminal prosecutions. Providing that a trial may be held in the county or judicial district where the crime is committed and deleting the 'general insurrection' provision for a change of venue. Resolution as amended be adopted. Del. Nighswander for Judicial Department.

Article 17 as presently worded provides procedure for change of venue only in cases of general insurrection and refers only to 'counties.' Resolution eliminates provision as to 'general insurrection,' broadens 'counties' to include 'judicial districts' and provides for change of venue on motion of defendant when fair and impartial trial cannot be had"
Journal of Constitutional Convention 232 (June 13, 1974).

At the same time the convention acted on resolution 47, as follows:

"Resolution No. 47, relating to venue of criminal prosecutions. Providing that references to county be changed to judicial districts. Inexpedient to amend the Constitution. Del. Nighswander for Judicial Department.

Concept is substantially embodied in Resolution No. 19 which we recommended.

The report was accepted.

On a voice vote the resolution was adopted."

Id. at 234.

After approval by the voters on November 7, 1978, by the requisite two-thirds vote, article 17 now reads:

"In criminal prosecutions, the trial of facts, in the vicinity where they happened, is so essential to the security of the life, liberty and estate of the citizen, that no crime or offense ought to be tried in any other county or judicial district than that in which it is committed; except in any case in any particular county or judicial district, upon motion by the defendant, and after a finding by the court that a fair and impartial trial cannot be had where the offense may be committed, the court shall direct the trial to a county or judicial district in which a fair and impartial trial can be obtained."

House bill 413 would redraw the Pittsfield judicial district so that the district would consist of the towns of

Pittsfield, Chichester and Epsom in Merrimack County and the town of Barnstead in Belknap County, thus creating the first judicial district which would cross county lines. The legislative purpose in adding the term "judicial district" to article 17 of the State Constitution was to "broaden" the venue in a criminal case beyond the county to the judicial district. The possibility of creating judicial districts comprised of contiguous municipalities in different counties was, therefore, intended. Creation of such districts accomplishes this legislative purpose to expand venue and is, therefore, permissible under part I, article 17 of the New Hampshire Constitution.

While it is correct that in *State v. Sullivan*, 121 N.H. 301, 303, 428 A.2d 1247, 1249 (1981) the court spoke on fair trial "in the county in question," the court was speaking in the context of a superior court jury trial in which the judicial district and county are the same.

John W. King
Charles G. Douglas, III
David A. Brock
William F. Batchelder
David H. Souter

Representatives Paul A. Golden and Barnstead Police Chief, James A. Barnard, filed letters addressing the purpose of the proposed legislation.

SUSPENSION OF RULES

Reps. Rounds and Krasker moved that the rules be so far suspended as to permit consideration of HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court, without the required notice in the Calendar.

Rep. Sytek spoke in favor of the motion. Adopted by the necessary two-thirds.

COMMITTEE REPORT (cont.)

HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court. Ought to Pass.

This bill adds Barnstead to the jurisdiction of Pittsfield district court. Currently, Barnstead is in the Laconia judicial district. Since the New Hampshire Constitution requires that trials be held in the county of judicial district where a crime occurred, there was some question whether the proposed district, composed of towns in two counties, was permissible. The New Hampshire Supreme Court, in its opinion issued last week, has found that the bill does not violate the Constitution. Vote 15-0. Rep. Donna P. Sytek for Judiciary.

Ordered to third reading.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills

be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Monday, May 20 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 211-FN, relative to the road toll statute.

HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court.

SB 102, relative to the fiscal committee.

SB 136, relative to the reinstatement of Sports Programs, Inc.

SB 30-FN, relative to regulatory boards and commissions.

SB 126, relative to investing the moneys in the water fowl conservation account by the state treasurer.

SB 221, relative to the Upham-Walker house.

SB 209, relative to raffles.

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.

SB 10, relative to small loans.

SB 139, relative to industrial development revenue bonds.

SB 145, relative to the regulation of mortgage companies.

SB 206-FN, relative to school building aid for the Conway school district.

SB 108-FN, relative to administrative attachment of occupational and professional licensing boards.

SB 200, establishing a department of transportation.

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding.

SB 204, establishing a New Hampshire public employee safety act.

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions.

RECONSIDERATIONS

Rep. Ramsay moved that the House reconsider its action whereby it passed SB 108, relative to administrative attachment of occupational and professional licensing boards.

Reconsideration lost.

Rep. Harold Burns moved that the House reconsider its action whereby it passed SB 10, relative to small loans.

Reconsideration lost.

PERSONAL PRIVILEGE

Rep. Chase addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 6:09 p.m.

RECESS

(Speaker in the Chair)

ENROLLED BILLS REPORT

HB 609, relative to comprehensive high schools.

HB 701, establishing a police standards and training council within the department of postsecondary vocational education.

SB 184, establishing a task force to study the problem of indigent care in New Hampshire.

SB 113, relative to inventory blanks.

SB 131, authorizing the installation of vending machines at rest areas of the state highway system.

Rep. Chris Jacobson

Sen. Mark Hounsell

For the Committee.

ENROLLED BILLS REPORT

SB 178, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days.

Rep. Natalie S. Flanagan

Sen. Mark Hounsell

For the Committee.

RECESS

(Speaker in the Chair)

Rep. Chardon moved that the House adjourn.

Adopted.

HOUSE JOURNAL 23

Monday, 20 May 85

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

As so often in private, today I lift before You in public all the members of the House. Where there is injury, as with our Speaker, bring healing; where there is pain, bring comfort; where there is fatigue, bring rest; where there is fear of age or ill health, bring hope; where there is joy, bring friends to share it. Bring to each member reason to celebrate this day of their lives. Amen.

Rep. Bates led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ames, James Whittemore, Kohl, Donnelly, Tucker and Boisvert, the day, illness.

Reps. Gilbreth, Millard, Clay, Joslyn, Fried, Zeckhausen, Horton, Michael Jones, Popov, Taffe, Pantzer, Duggan, Wayne King, Normandin, Benjamin Moore, Secord, Nagel, Crory, Grip, Bernier, Hogan, Frew, Ralph Torr, Bernard, Stonner, Varkas, Bass and Phelps, the day, important business.
Rep. Pevear, the day, death in the family.

Reps. Joseph MacDonald and Shepard, the day, illness in the family.

INTRODUCTION OF GUESTS

Nashua High School Principal, Stanley Stoncious, Thomas Solosko who has been named a Presidential Scholar, one of only two named from New Hampshire, his sister, Karen, brother Michael and his mother, Winnie, guests of Reps. Nelson, Parmenter and Keefe; Mary Schand, John and Michael Nelson, mother and sons of Rep. Nelson.

SENATE MESSAGES CONCURRENCE

HB 169, relative to pesticides controls.
HB 521, relative to the powers of the public utilities commission.

HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds.

HB 556-FN, relative to the classification of highways.

HB 705-FN, establishing an approval and certification system for water supply and environmental testing laboratories.

HB 651-FN, relative to screening for long term care.

HB 276, relative to powers of attorney.

HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days.

HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations.

HB 512, relative to cease and desist orders by the bank commissioner.

HB 420-FN, relative to proceeds from furbearers confiscated or acquired by the department of fish and game.

HB 503-FN, relative to delinquent trappers' reports.

HB 507, relative to damages paid by the department of fish and game.

HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of dam or lowering water level of a pond or lake.

HB 657-FN, relative to wetlands protection and enforcement.

HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems.

HB 665-FN, relative to the definition of "legal custody" for educational purposes.

HB 110-FN, relative to sunset review of the division of vocational rehabilitation.

HB 457-FN, relative to foundation aid to certain school districts.

HB 633, relative to school building authority.

HB 26, establishing a department of libraries, arts and historical resources.

HB 541, making references gender neutral in certain domestic relations statutes.

HB 715, relative to group insurance for part-time employees.

HB 222-FN, legalizing annual meetings of the New London water system precinct and the town of New London.

HB 716-FN, relative to land use change tax.

HB 552, relative to nurse practitioner reimbursement.

HB 155-FN, relative to sunset review of the governor's commission for the handicapped.

HB 182-FN, relative to sunset review of office of ombudsman.

HB 229, relative to safe and adequate septic systems.

HB 478, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses.

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire State Prison.

HB 422-FN, relative to the training of dogs.

NONCONCURRENCE

HB 278, prohibiting vendors of certain goods and services from requiring purchasers to sign blank credit slips.

HB 372, conforming the state pollution laws to federal standards for the purpose of the National Pollutant Discharge Elimination System permit program.

HB 328, relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E and to town health officers' inspection duties under RSA 128.

HB 591-FN, requiring the state to underwrite the total expense of fighting forest and brush fires on state owned park or forest land in any town or towns.

HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor.

HB 696-FN, relative to captive insurance companies.

HB 673, requiring written notice for the 39-week extension of health insurance benefits.

REFERRED FOR INTERIM STUDY

HB 17, relative to requirements for the execution and probate of wills.

HB 51, relative to the rulemaking authority of the office of waste management.

HB 227, relative to food service licensure.

HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district.

HB 449, relative to marriages of minors, waiver of the waiting period for marriage, and waiver fees and copy costs.

HB 499, relative to the disposal of state owned real property.

HB 508, authorizing police officers to order removal of motor vehicle fatalities.

HB 638, permitting the state, counties and municipalities to contract with private entities for the construction of government operated facilities.

HB 649, relative to employees of the dog and horse racing industry.

HB 655, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance.

HB 687, relative to campaign financing.

HB 721, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 737, increasing the salaries for certain employees of the department of postsecondary vocational-technical education.

HB 748, increasing the salaries of state employees in academic positions.

ACCEDES REQUEST
FOR COMMITTEE OF CONFERENCE

HB 106-FN, relative to the sunset review of the office of state negotiator.

The President appointed Sens. Dupont, Freese and Blaisdell.

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police.

The President appointed Sens. Dupont, Lessard and Podles.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way.

The President appointed Sens. Griffin, Hough and Blaisdell.

HB 103-FN, relative to sunset review of sweepstakes commission.

The President appointed Sens. Heath, Blaisdell and McLane.

HB 132-FN, relative to sunset review of parks and recreation.

The President appointed Sens. Wiggins, Freese and Heath.

HB 108-FN, relative to sunset review of personnel department, administrative support division.

The President appointed Sens. Dupont, Freese and Blaisdell.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 526, prohibiting drugs in pulling contests. (Amendment printed SJ 5/16)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

NONCONCURRENCE WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 52-FN, establishing an advisory committee on rules of evidence.

The President appointed Sens. Hounsell, Boyer and Roberge.

CONCURRENCE WITH AMENDMENTS

SB 72, relative to civil penalties for bad checks.

SB 109, relative to appointment of members to the housing finance board.

SB 2, relative to child victims and child abuse.

SB 114, relative to wiretapping and eavesdropping.

SB 156, relative to the definition of a "way."

SB 81, establishing a probationary license for "at risk" drivers.

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.

SB 105, relative to foreclosure sales of mortgaged premises.

Rep. Chardon moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 4 and SB 5 were removed at the request of Rep. James J. White.

SB 91 was removed at the request of Rep. Dickinson.

SB 128 was removed at the request of Rep. Chambers.

Adopted.

COMMITTEE REPORTS
(Consent Calendar)

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor. Ought to Pass.

This bill is the same as HB 353 and provides funding for rehabilitation of operating rail lines in New Hampshire which have dependent industries. Vote 18-1. Rep. Paul I. LaMott for Appropriations.

SB 132-FN, authorizing the water supply and pollution control commission to purchase liability insurance and to engage in disinfection research. Ought to Pass with Amendment.

This bill has been amended by striking out the title and sections 1, 2 and 3. The language of HB 738 has replaced the original language in SB 132-FN. HB 738 was a policy bill which amends RSA 188-F concerning the operation and name of the Department of Postsecondary Vocational-Technical Education. HB 738 was passed by the House twice and once by the Senate. It is purely a policy bill which was supported by the House and Senate Education Committees. The section of SB 132-FN which deals with liability insurance for the Water Supply and Pollution Control Commission has been added to SB 91. Vote 15-2. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to change the operation and the name of the department of postsecondary vocational-technical education.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Postsecondary Technical Education. Amend RSA 188-F (supp) as inserted by 1983, 379:2 by striking out said chapter and inserting in place thereof the following:

CHAPTER 188-F
POSTSECONDARY TECHNICAL EDUCATION

188-F:1 Declaration of Purpose. It is hereby declared to be the policy of the state of New Hampshire to provide for, within its ability to finance facilities, the preparation of youths and adults for productive employment as technicians and skilled workers to the mutual benefit of those persons, business and industry, and the general economy of the state.

188-F:2 Department Established. There shall be a department of postsecondary technical educational which shall be governed by a board of governors. The department shall be a state agency and shall consist of the office of the commissioner,

the New Hampshire technical institute and the 6 technical colleges.

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, one from the field of health service and one from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as chairman. Vacancies on the board of governors shall be filled by appointment by the governor and council within 90 days for the unexpired term only. If the vacancy is not filled within 90 days, the board of governors shall have the authority to appoint a new member to fill the vacancy.

188-F:4 Duties. The duties of the board of governors shall be to:

I. Develop and adopt policy for the department and its institutions.

II. Oversee the administration of the department and its institutions.

III. Apply for and receive, in the same manner as other state agencies, federal or other funds for the operation of the department and its institutions. The board may accept gifts of money and property, other than real property, for use in institutional programs on its own authority. Upon acceptance of these gifts, the board shall establish one or more trust funds at the applicable institution of the department or at the department office and the trust funds shall be used as specified by the donor.

IV. Adopt rules, under RSA 541-A, regulating the operations of the department and its institutions, including the rights and responsibilities of students.

188-F:5 Department Office.

I. The governor and council shall appoint a commissioner of postsecondary technical education, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. The salary of the commissioner shall be that established in RSA 94. If there is a vacancy in the position of the commissioner, a new commissioner shall be appointed for a term of 4 years, within 90 days of the effective date of the vacancy. Removal of the commissioner other than at the expiration of his term shall be done in accordance with RSA 4:1.

II. The commissioner shall appoint a deputy commissioner with the approval of the board of governors. The deputy commissioner shall serve at the pleasure of the board.

188-F:6 Cooperation with Other Agencies.

I. The commissioner shall be responsible for promoting cooperation and communication between the department of postsecondary technical education and the board and the department of education and between the department of postsecondary

technical education and the university system of New Hampshire.

II. The commissioner of postsecondary technical education and one president from either the technical institute or a technical college, who shall be chosen by the board of governors, shall be members of the postsecondary education commission.

188-F:7 Administrative Board. The commissioner shall establish an administrative board composed of the president of the technical institute and the presidents of the 6 technical colleges. The commissioner shall serve as chairman of the administrative board which shall advise and assist him in the performance of his duties under this chapter.

188-F:8 Presidents of the Institute and Colleges. The commissioner shall, subject to approval by the board of governors, appoint a president of the technical institute and presidents of the 6 technical colleges. Presidents shall be qualified by education and experience and shall serve at the pleasure of the board of governors.

188-F:9 Deans. The president of each institution of the department shall appoint deans, with the approval of the commissioner. The deans shall be reviewed annually by the presidents and shall serve at the pleasure of the presidents.

188-F:10 Name and Program of the Technical Institute. The program of the technical institute shall be designed to prepare qualified high school graduates or the equivalent as technicians. The name of the technical institute shall be: New Hampshire technical institute at Concord.

188-F:11 Name and Program of the Technical Colleges. The program of the technical colleges shall be designed to prepare qualified high school graduates or the equivalent as technicians and skilled workers. The names of the technical colleges shall be:

I. New Hampshire technical college at Berlin.

II. New Hampshire technical college at Claremont.

III. New Hampshire technical college at Laconia.

IV. New Hampshire technical college at Manchester.

V. New Hampshire technical college at Nashua.

VI. New Hampshire technical college at Stratham.

188-F:12 Accreditation. The technical institute and technical colleges are authorized to seek accreditation and maintain membership in the regional accrediting association, to satisfy the requirements necessary to achieve and maintain regional accreditation as a technical institute or as technical colleges only, and in order to meet the requirements necessary for federal aid. Each individual program of study offered shall be such as to meet all of the requirements for professional accreditation or licensing or both of the particular specialty as a technical institute or a technical college.

188-F:13 Personnel. The commissioner, after consultation with the institute or college president, shall have authority to designate the number of hours in the workweek that full time faculty must spend on the campus of the college to which assigned.

188-F:14 Budgeting. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. However, the board of governors is authorized to transfer funds between line items within any budgetary unit. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.

188-F:15 Tuition. The board of governors shall, by rules adopted in accordance with RSA 541-A, establish tuition rates at the technical institute and the 6 technical colleges for both resident and nonresident students. Tuition received from the technical institute and the technical colleges shall be paid to the state treasurer who shall keep it in a separate account. If, in the opinion of the governor and council, additional funds are necessary to carry out the purposes of this chapter, such tuition funds may be used for that purpose; and the state treasurer is authorized to pay out the same on the governor's warrant. Any balance in the fund at the close of each fiscal year shall be transferred to the general funds of the state, and the appropriations made for postsecondary technical education shall be reduced by such amount.

188-F:16 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a technical institute or a technical college shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the commissioner who may require such proof as he deems necessary in order for a person to qualify for free tuition under this section.

II. The board of governors shall have the authority to grant tuition adjustments for employees of the New Hampshire technical institute, technical colleges, and the department of postsecondary technical education, and their

immediate families, for the 7 institutions of the department.

188-F:17 Loan Fund Revolving Accounts. The board of governors is authorized, within the limits of federal grants and the appropriations made, to establish and administer such loan fund revolving accounts as may be approved by the governor and council to completely comply with all federal regulations and to effectively and efficiently operate the loan programs within the technical institute and technical colleges. The board shall adopt rules pursuant to RSA 541-A for the giving of loans and other requirements relative to the loans. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account by the state treasurer, and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

188-F:18 Building Projects Revolving Fund. The state department of postsecondary technical education shall administer a building projects revolving fund to aid instruction in the building construction trades at state technical colleges. The fund shall be used to pay necessary costs of construction projects which are carried out as part of the instructional program, including the purchase of real estate. No project shall be undertaken unless the fund contains enough money to cover the proposed budget. When a building is completed, it shall be sold by the commissioner of postsecondary technical education by means of sealed bids or at auction. The money received shall be put into the fund, shall be continually appropriated for use in another construction project, and shall not lapse. However, the total money in the fund shall not exceed \$150,000 in fiscal year 1985. Thereafter, the limit on the money in the fund for each fiscal year shall fluctuate at the same rate as the annual average percentage increase or decrease in the consumer price index as published by the United States bureau of labor statistics. For the calendar year which ended on December 31 prior to the beginning of that fiscal year. Any excess shall be paid into the general funds of the state.

188-F:19 Bookstore Operation.

I. The board of governors may operate bookstores at department institutions directly or through use of contracts with private vendors. Any such contracts shall be subject to review under normal state procedures and shall be approved by the governor and council.

II. The commissioner of postsecondary technical education may purchase such merchandise for resale in bookstores at the technical institute and technical colleges as may be necessary for the efficient operation of the postsecondary technical education programs. The purchases shall be for instructional books, supplies and materials. The department shall establish a bookstore account and purchases under this section shall be a charge upon that account. The price to be charged for instructional books, supplies and materials

shall be sufficient to pay for the cost of the items purchased plus an additional service charge.

III. Net revenue derived from bookstore operations shall be paid into the student activity fund at that institution.

188-F:20 Federal Funds.

I. The state board of education shall be the primary recipient of federal funds provided under the Vocational Education Act of 1963. The board of education shall each year provide the department of postsecondary technical education with a percentage of the total funds available under that act equal to the percentage of such funds allocated to the division of postsecondary education and its institutions as of January 1, 1985. The commissioner of education and the commissioner of postsecondary technical education shall cooperate in the development of applications for such funds.

II. The state board of education acting as the state board for vocational technical education shall be the primary recipient of federal funds provided under the Carl Perkins vocational education act of 1984. The state board, shall, each year, provide the department of postsecondary technical education with funds available under the Titles I-IV of the act and subsequent amendments to the act. The department of postsecondary technical education shall jointly plan with the department of education for the expenditure of funds in the New Hampshire state plan for vocational education. The commissioner of postsecondary technical education and the commissioner of education shall cooperate in the development of applications for such funds.

188-F:21 Advisory Committees.

I. The board of governors may appoint a technical committee to advise the board and, with the recommendations of the presidents, advisory committees at each college and the institute to advise the presidents, the commissioner and the board of governors on the operation of the technical institute and the technical colleges.

II. Each of the presidents may appoint ad hoc advisory committees to advise them on the development and operation of specific academic programs.

2 Reports.

I. The board of governors of the department of postsecondary technical education and the commission of postsecondary technical education shall conduct an examination of existing state personnel policies, rules, and laws and how they apply to the instructional personnel of the department. The board of governors shall submit to the general court by January 1, 1986, a report of requested changes in personnel policies, rules and procedures in order to permit flexibility within the department of postsecondary technical education. The report shall include a detailed outline for the creation of a separate departmental personnel system, if applicable. In its examination the board shall seek the assistance of the department of personnel and of instructional personnel

from the postsecondary technical institutions.

II. The commissioner shall submit a report to the general court by January 1, 1986, in which the commissioner shall comment on how successfully the division of plant and property management serves the department of postsecondary technical education. The report shall include suggestions for improvements in the present system.

3 Effective Date. This act shall take effect July 1, 1985.

SB 197-FN, making appropriations to the sire stakes program. Ought to Pass with Amendment.

The amendment strikes the appropriation for fiscal '85 and reduces the original appropriation for fiscal '86 by \$10,000 and the same for fiscal '87. The Committee felt that the non-lapsing monies in the present fund were sufficient for this fiscal year and that the \$50,000 in each fiscal year, '86 and '87, would be enough to continue the program. Vote 16-2. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Appropriation. The sum of \$50,000 is hereby appropriated to the department of agriculture for the purposes of the sire stakes program for fiscal year ending June 30, 1986, and \$50,000 is appropriated to the department for said purposes for the fiscal year ending June 30, 1987. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The appropriations made in this section for fiscal years 1986 and 1987 shall be reduced by any money appropriated to the department of agriculture for the purposes of the sire stakes program in the operating budget for said fiscal years.

2 Effective Date. This act shall take effect upon its passage.

SB 201-FN, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge. Inexpedient to Legislate.

This bill creates some significant future problems with respect to state responsibilities for road and bridge maintenance. The Committee agrees that the state should not make the costly commitment called for in this bill. A motion to place this subject into interim study will be made from the floor. Vote 19-0. Rep. John J. Kane for Appropriations.

COMMITTEE REPORTS (Regular Calendar)

SB 1-FN, relative to the settlement laws. Ought to Pass with Amendment.

This bill, as amended, now contains the seventeen sections that the court said were inappropriately placed in HB 400.

The Appropriations Committee has reviewed these sections and recommends that they are necessary to support the budget bill (HB 400). SB 1 was further amended to provide reimbursements to the counties for the costs of the operation for Superior and Probate Courts. Vote 13-3. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the settlement laws and other matter affecting the operating budget.

Amend the bill by striking out section 53 and inserting in place thereof the following:

53 Reimbursement Requirement Eliminated. Amend 1983, 383:65 by striking out in lines 3-7 the words "; provided, however, that the counties shall reimburse the state, up to a total amount of \$2,750,000, for superior court and probate court costs on a pro rata basis according to population figures in the most recently published statistical abstract of the United States. Such reimbursement shall occur on or before July 31, 1985" so that said section as amended shall read as follows:

383:65 Special Provision for Fiscal Year 1985. For the fiscal year ending June 30, 1985, the state shall pay all costs of operation for the superior and probate courts.

54 Suspension of Millage Formula. For the fiscal years ending June 30, 1986, and June 30, 1987, the millage formula provided by RSA 187-A:7 is hereby suspended; and the sums hereby appropriated shall be the total appropriations for the university of New Hampshire, Plymouth state college, Keene state college and Merrimack Valley college and shall be in lieu of the requirements for appropriation under RSA 187-A:7. Out-of-state tuition shall be set annually by the board of trustees at a figure which reflects actual cost of per capita operating costs, including instructional expenses, overhead and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

55 Distribution of Racing Funds. Notwithstanding the provisions of RSA 284:2 and RSA 284:23, all revenues restricted for the purpose of making payments to the agricultural fairs shall be deposited with and by the state treasurer as unrestricted revenue. For the fiscal years ending June 30, 1986, and June 30, 1987, the distribution formula for payments to agricultural fairs provided by RSA 284:23, 284:25, and 284:25-a is hereby suspended.

56 Equipment Fund.

I. Notwithstanding any other provision of law, any department as defined in RSA 9:1 proposing to purchase any new equipment or to replace any existing equipment except motor vehicles with new equipment shall submit a request to a committee composed of the budget officer, the director of the division of plant and property management and a person designated by the governor. The committee may approve or disapprove any such requests, provided that it shall notify each department of the reason for its disapproval of any application. No such department may purchase equipment if the committee established herein disapproves. If the committee finds that failure of the department to purchase equipment or to replace equipment would result in a severe hardship to the department and that the department would be unable to perform its normal functions, the committee may authorize the department to purchase the equipment. If the department is so authorized, it shall make such transfers within its budget as may be possible for the purchase of the equipment. If no transfer of funds is available, the chief executive of the department shall submit a request to the fiscal committee for approval to expend a portion of the appropriation in paragraph II of this section for the purchase of the equipment. If the fiscal committee approves the request, the chief executive of the department shall request the governor and council for the authority to expend a portion of the appropriation in paragraph II for the purchase of the equipment as requested by the department.

II. There is hereby appropriated for the biennium ending June 30, 1987, the sum of \$200,000 to be expended by the governor and council for the purchase of equipment approved pursuant to paragraph I of this section. The sum hereby appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. In addition, there is hereby appropriated for the purchase of equipment approved pursuant to paragraph I of this section by non-general fund departments such sums as may be necessary. The governor is authorized to draw his warrant for said sums which shall be a charge against the fish and game fund, the highway fund, or other appropriate special fund.

57 Park Vending Facilities. RSA 186-B:9-15 shall not apply to facilities at Franconia Notch state park, Mount Sunapee state park and Mount Washington during the biennium ending June 30, 1987. Vending facilities at the above locations may be operated by the department of resources and economic development in accordance with RSA 8:25, VI; provided that the operating costs shall be a direct charge against gross sales receipts; or the department of resources and economic development may contract for the operation of said facilities with the blind services or any other party to insure maximum benefits and revenues to the state of New Hampshire.

58 Tuition at Technical Institute and Voc-Tech Colleges. Notwithstanding the provisions of RSA 188-F:15, the tuition to be charged at the technical institute shall be \$1,500 for in-state students and \$3,900 for out-of-state students for the school year ending June 30, 1986, and \$1,550 for in-state students and \$4,000 for out-of-state students for the school year ending June 30, 1987. The tuition to be charged at the vocational-technical colleges shall be \$1,400 for in-state students and \$3,750 for out-of-state students for the school year ending June 30, 1986, and \$1,450 for in-state students and \$3,850 for out-of-state students for the school year ending June 30, 1987.

59 Out-of-state Trips. For the biennium ending June 30, 1987, the provisions of RSA 9:25 are hereby suspended.

60 Purchase of Table Wines; Discount. Notwithstanding the provisions of RSA 178-A:21, II, for the biennium ending June 30, 1987, the discount price for table wines purchased for resale by holders of retail wine licenses shall be 15 percent less than the regular retail price in the liquor stores and 20 percent less the regular retail price F.O.B. the warehouse.

61 Distribution of Sweepstakes Fund. I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of RSA 284:21-a through 21-s and RSA 287-E on a quarterly basis.

II. Notwithstanding any other provision of law, the state treasurer shall transfer, after the payment of administrative expenses through September 30, December 31, March 31, and June 30 of each fiscal year of the biennium ending June 30, 1987, all moneys deposited into the sweepstakes fund and interest received on such moneys to the department of education PAU 06,03,02,01, educational financial aid to districts-state.

III. The sum of \$4,700,000 for fiscal year 1986 and the sum of \$4,700,000 for fiscal year 1987 covering expenditures in PAU 06,03,02,01 represents estimated revenue from sweepstakes operations. In the event that actual sweepstakes revenue is less than estimated, the line item entitled sweepstakes distribution shall be reduced by the amount of the shortfall in the ensuing year and the distribution prorated. In the event that audited revenue exceeds the estimate, such excess shall be distributed on the same formula as the distribution of the original appropriation.

62 State Agency Planning and Design Costs. The division of public works of the department of public works and highways shall not perform any design and planning work for any non-general fund state agency unless the division is reimbursed for such work by the agency pursuant to a written agreement.

63 Proceeds of Sales. Notwithstanding the provisions of RSA 4:40 and RSA 10:4 or any other provision of law, all funds received during the fiscal biennium ending

June 30, 1987, from the sale of real property, the acquisition of which was funded by general fund appropriation, by the state shall be deposited by the state treasurer in the general fund as unrestricted funds.

64 Reimbursement of Funds for Recipients in Nursing Homes. Notwithstanding the provisions of RSA 167:18-b or of any other law, for the biennium ending June 30, 1987, nursing home payments to all nursing homes except state institutions made by the division of human services for old age assistance recipients and aid to the permanently and totally disabled recipients shall be charged back to the legally liable county or town at the rate of 61.5 percent of the non-federal share in fiscal year 1986 and 61.25 percent of the non-federal share in fiscal year 1987.

65 Amount of Assistance.

I. RSA 167:7 shall be suspended for the biennium ending June 30, 1987, and the provisions of this section shall apply.

II. The director of the division of human services may establish consolidated standards of need for the adult programs it administers, subject to appropriated funds and subject to applicable federal regulations.

III. The director of the division of human services may establish for the aid to families with dependent children program a consolidated standard of need, or a consolidated standard of need except for shelter, subject to the amount of appropriated funds and subject to applicable federal regulations.

IV. The director of the division of human services shall determine the level of benefits in both programs so that the recipients shall be allowed to subsist compatibly with decency and health, subject to the amount of appropriated funds and subject to applicable federal regulations.

V. In determination of the amount of payments or other assistance under RSA 167 or RSA 161, due regard shall be given to the income and resources of recipients. The director shall give notice to and, in appropriate cases, consult with the proper officials of counties, cities, and towns required by RSA 167 to contribute to the cost of such assistance.

66 Application for Assistance. Notwithstanding the provisions of RSA 167:8 or of any other law, for the biennium ending June 30, 1987, application for assistance under RSA 167 or RSA 161 shall be made in the first instance to the director of the division of human services or his duly authorized agent. The application shall be in writing and upon a form prescribed by the division of human services, subject to applicable federal regulations. The provisions of RSA 167:8 are hereby suspended for the biennium.

67 Designation of Medical Assistance Suspended. Notwithstanding the provisions of any other law, the designation of medical assistance provided in RSA 167:5 is hereby suspended for the biennium ending June 30, 1987. For the biennium, medical care and services provided individuals who receive or are otherwise eligible to receive financial

assistance under the categories of old age assistance, aid to the needy blind, aid to families with dependent children, or aid to the permanently and totally disabled but do not receive such assistance shall be designated as categorically needy. Such medical assistance and services provided to individuals who would be categorically needy, except for the fact that the individuals have income or assets or both, shall be designated as medically needy.

68 Exemption Authorized: Health and Human Services. For the fiscal biennium ending June 30, 1987, the provisions of RSA 124:14 may be waived for the department of health and human services by the governor and council, with prior approval of the fiscal committee, in order to transfer funds pursuant to RSA 126-A:2, III.

69 Authority to Transfer. Notwithstanding the provisions of RSA 99:4 and RSA 9:17-a through 17-c, the commissioner of health and human services is hereby authorized, with the prior approval of the fiscal committee and the approval of the governor and council, to make such transfers within the department's program appropriation unit including its components, subcomponents, and classes within its unit numbered 05-02-05, including division of mental health and developmental services central office, Laconia state school and training center, New Hampshire hospital, and Glenclyff home for the elderly, as he shall deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system.

70 Certification of Funds. Whenever the chairman of senate finance and the chairman of house appropriations are required to certify that sufficient funds are available either jointly or separately and such chairmen have not been named, the presiding officers of the senate and house either jointly or separately, as the case may be, shall be authorized to cause payment of expenses incurred until the chairmen of the committees are appointed.

71 Effective Date.

I. Section 53 of this act shall take effect upon its passage.

II. Sections 1-52 of this act shall take effect January 1, 1986.

III. Sections 54-70 of this act shall take effect July 1, 1985.

Rep. Ramsay explained the amendment.

Reps. Scauman and Newman spoke against the amendment and yielded to questions.

Reps. Chardon, Chambers and Kidder spoke in favor of the amendment and yielded to questions.

Reps. Daniell and Chase spoke against the amendment.

Rep. Ellen-Ann Robinson spoke in favor of the amendment.

Rep. Ralph Torr yielded to questions.

Rep. Walter moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Rep. Rounds presiding)
YEAS 125 NAYS 206
YEAS 125

BELKNAP: Birch, Bowler, Richard Campbell, Hardy, Hawkins, Holbrook, Pearson, Randall and James J. White.

CARROLL: Gene Chandler, Kenneth MacDonald and Powers.

CHESHIRE: Blacketor, Davis, Daniel Eaton, Frink, Grodin, Matson, Miller, Morse, Ramsay, Russell, Scranton and Thompson.

COOS: Brideau, Chardon and Frederic Foss.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Driscoll, Hutchings, Michael King, LaMott, Mann, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Arnold, Champagne, Clancy, Dykstra, Joseph Eaton, Nancy Ford, Hendrick, Herod, Chris Jacobson, Jasper, Keefe, Kelley, Howard Mason, Morrisette, Nelson, O'Rourke, Bonnie Packard, Pappas, Reardon, Ellen-Ann Robinson, Leonard Smith, Steiner, Van Loan and Vanderlosk.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Gross, Jelley, Kidder, Linwood Rogers and West.

ROCKINGHAM: Benton, William Boucher, Burdick, Marilyn Campbell, Case, Conroy, Felch, Flanagan, Thomas Gage, Goss, Elizabeth Greene, Robert Johnson, Kane, George Katsakiores, Krasker, Parr, Quimby, Sanderson, Skinner, Sloan, Sochalski, Sytek, Titone, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Bryant, Callahan, Diamant, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Meader, O'Brien, Pelley, Francis Robinson, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Paul Johnson, Mehegan, Schotanus, Spaulding and Sara Townsend.

NAYS 206

BELKNAP: Brough, Brown, Dexter, Golden, Malcolm Harrington and Jensen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Burley, Delano, Irvin Gordon, Parker, Perry, Ridge, William Riley, Schwartz and Young.

COOS: Brungot, Harold Burns, Chappell, Coulombe, Guay, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Christy, Easton, McAvoy, Scanlan, Stewart and Whitcomb.

HILLSBOROUGH: Ahrens, August, Barry, Beaupre, Bergeron, Blais, Robert Blanchette,

Bourdon, Bourque, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Charron, Chretien, Cote, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Duperron, Dupont, Durant, Clyde Eaton, Fields, Gagnon, Scott Green, Marian Harrington, Healy, Holden, Humphrey, Hyman, George Jones, Labombarde, Levesque, Lown, Lozeau, McGlynn, Messier, Elizabeth Moore, Murphy, Newcombe, Nute, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Frances Riley, Philip Rodgers, Sallada, Shriver, B. P. Smith, Mary Sullivan, Sylvia, Tamposi, Turgeon, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Bardsley, Cate, Connolly, Daniell, Fraser, George Gordon, Hager, Hayes, Mary Holmes, Alf Jacobson, C. William Johnson, Lewis, Arthur Locke, Nichols, Pannell, Rehlander, Doris Riley, Roberts, Walter Robinson, Savaria, Gerald R. Smith, Stio and Wallner.

ROCKINGHAM: Blaisdell, Blanchard, Patti Blanchette, Butler, Lawrence Chase, Connors, Day, Ellyson, Emanuelson, Flanders, Bert Ford, Beverly Gage, Haynes, Hoar, Hollingworth, Roger King, Longworth, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McCain, McKinney, Newman, Palumbo, Pantelakos, Raynowska, Norman Rogers, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Seward, Simon, Splaine, Stachowske, Tufts, Vartanian, Warburton and Welch.

STRAFFORD: Appleby, Berkey, Burton, Chamberlin, Dingle, Frechette, Keans, Laurion, Lussier, Musler, Parks and Spear.

SULLIVAN: Brodeur, Call, D'Amante, Dismard, Domini, Ingram, Lindblade, McKee and Rodeschin, and the amendment lost.

Ordered to third reading.

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system. Ought to Pass with Amendment.

This bill, as amended, now contains the contents of HB 787, relative to retirement. Due to the recent decision by the courts limiting the use of sections, amendments, and footnotes in the operating budget (HB 400) and due to the fact that there is no other vehicle available to deal with a cost of living adjustment for state, municipal and teacher retirees, the Appropriations Committee felt it was necessary to make this proposal at this time. If nothing is proposed, the retirees would go three years without an adjustment to their benefits relative to the cost of living. Vote 11-5. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to retirement.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Increase in Retirement Allowance Rate For Group I and Group II Members. Amend RSA 100-A:42-b, II (supp) as inserted by 1977, 528:1 as amended by striking out said paragraph and inserting in place thereof the following:

II(a). The following table shall become a permanent part of each beneficiary's base retirement allowance as part of July 1, 1985:

Employees	Date of Retirement	Retirement System	Percent Increase Payable
(a) Teachers	July, 1957-June, 1961	RSA 192	51
(b) Teachers	July, 1961-Dec., 1967	RSA 192	41
(c) Teachers	Jan., 1968-Sept., 1975	RSA 192	32
(d) Teachers	Jan., 1968-Sept., 1975	RSA 100-A	32
(e) Teachers	Oct., 1975-June, 1977	RSA 100-A	20
(f) Teachers	July, 1977-Sept., 1979	RSA 100-A	15
(g) Teachers	Oct., 1979-June, 1981	RSA 100-A	5
(h) Firemen	Prior to July, 1961	RSA 102	51
(i) Firemen	July, 1961-Dec., 1967	RSA 102	41
(j) Firemen	Jan., 1968-Sept., 1975	RSA 102	32
(k) Firemen	Jan., 1968-Sept., 1975	RSA 100-A	32
(l) Firemen	Oct., 1975-June, 1977	RSA 100-A	20
(m) Firemen	Oct., 1975-June, 1977	RSA 102	20
(n) Firemen	July, 1977-Sept., 1979	RSA 100-A	15
(o) Firemen	Oct., 1979-June, 1981	RSA 100-A	5
(p) Policemen (Muni. & State)	Prior to July, 1961	RSA 103	51
(q) Policemen (Muni. & State)	July, 1961-Dec., 1967	RSA 103	41
(r) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 103	32
(s) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 100-A	32
(t) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 100-A	20
(u) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 103	20
(v) Policemen (Muni. & State)	July, 1977-Sept., 1979	RSA 100-A	15
(w) Policemen (Muni. & State)	Oct., 1979-June, 1981	RSA 100-A	5
(x) State & Muni. Employees	Prior to July, 1961	RSA 100	51
(y) State & Muni. Employees	July, 1961-Dec., 1967	RSA 100	41
(z) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100	32
(aa) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100-A	32
(bb) State & Muni. Employees	Oct., 1975-June, 1977	RSA 100-A	20
(cc) State & Muni. Employees	July, 1977-Sept., 1979	RSA 100-A	15
(dd) State & Muni. Employees	Oct., 1979-June, 1981	RSA 100-A	5

(b) Benefits for any beneficiary who has retired prior to July 1, 1984, shall be increased by 3.03 percent per year in fiscal years 1986 and 1987. Such increases shall become a permanent part of each beneficiary's base retirement allowance.

(c) In addition to the benefits provided in subparagraphs (a) and (b), the benefits for any beneficiary who has retired prior to July 1, 1985, shall be increased by 2 percent annually. Such increase shall be paid each year for the life of the beneficiary.

3 Full Credit for All Years of Service. Amend RSA 100-A:5, II(b)(2) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(2) A state annuity which, together with his member annuity, shall be equal to 2-1/2 percent of his average final compensation multiplied by the number of years of his creditable service; provided, however, that such allowance shall not exceed 75 percent of the member's average final compensation at the time of his service retirement; and provided further, that the provisions of this subparagraph shall only apply to group II members who retire after June 30, 1985.

4 Full Credit. Amend RSA 100-A:5, I (b) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Upon service retirement, an employee member of group I shall receive a service retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and (2) a state annuity payable prior to his attainment of age 65 which, together with his member annuity, shall be equal to (i) 1/60 of his average final compensation multiplied by the number of years of his creditable service rendered prior to July 1, 1977, plus (ii) 1/60 of such compensation multiplied by the number of years of his creditable service rendered from July 1, 1977, to July 1, 1979, and prior to age 62, plus (iii) 1/80 of such compensation multiplied by the number of years of his creditable service rendered after July 1, 1979. After his attainment of age 65, his state annuity shall be reduced by the sum of (i) 1/120 of his average final compensation not in excess of the applicable Social Security breakpoint for each year of his creditable service rendered prior to July 1, 1977, plus (ii) 1/120 of such compensation for each year of his creditable service rendered from July 1, 1977, and prior to age 62, plus (iii) 1/160 of such compensation for each year of creditable service rendered from July 1, 1977, to July 1, 1979, and after age 62, plus (IV) 1/120 for each year of creditable service rendered after July 1, 1979; provided that such reduced retirement allowance, together with his primary insurance amount, shall not be less than the service retirement allowance

the member was receiving prior to his attainment of age 65. For the purpose of the above, Social Security breakpoint shall mean \$4,200 with respect to each year of prior service and shall mean the maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect with respect to each year of membership service. The provisions of this subparagraph shall apply prospectively to those group I employee members currently retired as of July 1, 1985.

5 Two Person Rate. Amend RSA 8 by inserting after section 75 the following new section:

8:75-a Two Person Health Insurance Premium Rate. Notwithstanding any other provisions of this chapter to the contrary, the retirement system shall provide 2 person health insurance to retired group II persons under age 65, retired before July 1, 1985, covering group hospitalization, hospital medical care, surgical care, and other medical benefits. This coverage shall provide the same benefits at the same levels that each state employee receives.

6 Actuarial Reduction; Teachers. Amend RSA 100-A:5, I by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the provisions of subparagraph (d), any teacher member of group I who meets the requirements of RSA 100-A:10, I(a), and who has attained the age of 50, but not the age of 60, may elect to retire and have his benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which he desires to have his benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(c) and shall be reduced by 5 percent per year for each year from age 50 to 55, and by 4 percent per year for each year from age 55 to 60.

7 Funding. Funding for the purposes of this act shall be as follows:

I. The sum of \$82,100,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 2 of this act.

II. The sum of \$2,821,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 3 of this act.

III. The sum of \$665,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 4 of this act.

IV. The sum of \$1,200,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 5 of this act.

V. The sum of \$1,800,000 for the fiscal year ending June 30, 1986, shall be available from the special account created by 1983, 469:146 for the purposes of section 6 of this act.

8 Administration; Transition. The board of trustees of the New Hampshire retirement system shall have until January 1, 1986, to make the administrative, record keeping, and bookkeeping changes which shall be necessary in order to administer the provisions of this act.

9 Effective Date. This act shall take effect July 1, 1985.

Amendment adopted.

Ordered to third reading.

SB 117, establishing an annual commemorative rifle or shotgun lottery. Ought to Pass.

This bill will allow a study by a commemorative rifle or shotgun committee to solicit bids to manufacture a firearm which will be awarded by a lottery. Monies over expense shall go to the Fish and Game Fund. Vote 12-4. Rep. Lee Anne Steiner for Appropriations.

Ordered to third reading.

SB 130-FN, implementing a comprehensive moose management program. Ought to Pass. This bill allows a study of a moose management program. Further public hearings will be held should the study committee decide that a moose hunt is feasible. Vote 11-5. Rep. Paul I. LaMott for Appropriations.

Question being on the adoption of SB 130, on a voice vote the Chair was in doubt and requested a division.

186 members having voted in the affirmative and 138 in the negative, SB 130 was ordered to third reading.

SJR 1, relative to the sweepstakes commission fund. Ought to Pass.

The Committee felt that it was important to pass this resolution. Vote 14-5. Rep. Andrea A. Scranton for Appropriations.

Rep. Michael King offered an amendment.

Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sums of money appropriated by this resolution represent the amounts of excess sweepstakes revenues received by the state in fiscal years 1984 and 1985, which were diverted to the general fund and not appropriated by the legislature for distribution to the school districts, as confirmed by the New Hampshire supreme court in its March 27, 1985, decision on docket number "Merrimack No. 84-557";

That the sums appropriated by this resolution shall be paid out to the school districts on a per resident pupil basis similar to the traditional distribution formula of RSA 284:21-j;

That the sum of \$957,567 is hereby appropriated, to be paid out to the school districts for educational purposes based on

average daily membership in residence during the 1981-1982 school year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated;

That the state treasurer shall transfer to the general fund as unrestricted revenue the sum of \$530,368.83 from moneys deposited and interest received on such moneys in the sweepstake fund in the department of education, PAU 06 03 03, educational financial aid to districts;

That there is hereby appropriated, for the fiscal year ending June 30, 1986, an amount equal to all moneys received by the state treasurer from the sweepstakes commission, and interest received on such moneys, during fiscal year 1985, less the expenses of the sweepstakes commission incident to the administration of RSA 284:21-a through 21-s and RSA 287-E, less any sweepstakes moneys already dedicated for fiscal year 1985 for the purposes of educational financial aid to districts. This sum shall be paid out to the school districts on September 15, 1985, for educational purposes based on average daily membership in residence during the 1982-1983 school year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated; and

That a school district may, after public hearing, exceed its annual budget to the extent of funds which the district received or expects to receive from the state as a result of the passage of this resolution.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Michael King explained the amendment.

Reps. Ellen-Ann Robinson, Krasker and Scranton spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 4, relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs. Ought to Pass with Amendment.

The amendment to SB 4 changes the date of Capital Budget submission by the Governor and also allows for equal treatment of construction vehicles hauling loads to and through construction zones. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to funding for the department of public works and highways federal aid construction program; the replacement of highway signs; the governor's capital budget; and an exception for highway building equipment.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Bonds Authorized. To provide funds for the transfer made in section 2, paragraph I(a)(1) of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,555,475 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

4 Payments. The payment of principal and interest on the \$2,555,475 of the bonds and notes issued for the funds transferred pursuant to section 2, paragraph I(a)(1) of this act, shall be made when due from the highway fund.

5 New Section. Amend RSA 230 by inserting after section 49 the following new section:

230:49-a Replacement or New Signs. Whenever the commissioner of public works and highways authorizes the replacement of an existing highway sign or the installation of a new highway sign which designates that a city or town lies ahead, that sign shall also state the distance in miles from the sign to the city or town limits that the motorist will first approach.

6 Change of Date. Amend RSA 9:3-a, VII (supp) as inserted by 1981, 540:1 by striking out said paragraph and inserting in place thereof the following:

VII. The governor shall submit the capital budget to the general court no later than February 15 of each odd numbered year.

7 Exception for Highway Equipment. Amend RSA 266:20 as inserted by 1981, 146:1 by inserting after the word "highways," the following (The provisions of this section shall apply equally to all vehicles used for transporting distributable loads of construction materials to and through such zones.) so that said section as amended shall read as follows:

266:20 Exception for Highway Building Equipment. The provisions of RSA 266:18 shall not prohibit the driving of highway building equipment and motor vehicles used in the construction or maintenance of highways, provided that such equipment is used within a highway construction zone as prescribed by the commissioner of public works and highways; and further provided, that the provisions of this section shall apply equally to all vehicles used for transporting distributable loads of construction materials to and through such zones.

8 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. James J. White offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs and making an appropriation to replace a railroad bridge on the Northfield-Tilton town line.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Appropriation. The sum of \$400,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the replacement of the railroad bridge located on the Northfield-Tilton town line on the state owned Concord to Lincoln rail line. This appropriation shall be nonlapsing.

5 Bonds. To provide funds for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding \$400,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Effective Date.

I. Sections 1-3 of this act shall take effect upon passage.

II. The remainder of this act shall take effect 60 days after its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. James J. White explained the amendment.

Amendment adopted.

Ordered to third reading.

SB 5-FN, relative to judicial retirement. Ought to Pass with Amendment. This bill, as amended, now contains the state employees pay package. Due to the recent court decision dealing with the limited use of sections, amendments and footnotes in HB 400, relative to the state operating budget, the pay package has been removed. In order to assure the commitment to support the good faith efforts of the negotiating teams, the Appropriations Committee has amended SB 5 to include the State Employees contract. This bill also contains the judges compensation and retirement benefits. The Committee felt it was important to have a single vehicle containing the compensation for all state employees. The wording is identical to the proposal adopted on the floor on April 1985. A great deal of work went into this proposal and this recommendation is necessary in order to fulfill our commitment to the full-time Unified Court System adopted last session. There is no money in this bill for the section dealing with the judges' compensation and retirement benefits. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to state employee salaries and making an appropriation therefor and relative to judicial retirement.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Classified Salaries; June 7, 1985. Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing June 7, 1985, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	9,691.50	9,906.00	10,101.00	10,315.50	10,549.50
2	9,906.00	10,101.00	10,315.50	10,549.50	10,764.00
3	10,101.00	10,315.50	10,549.50	10,764.00	10,959.00
4	10,257.00	10,530.00	10,803.00	11,134.50	11,505.00
5	10,549.50	10,881.00	11,290.50	11,719.50	12,090.00
6	10,881.00	11,271.00	11,680.50	12,090.00	12,538.50
7	11,329.50	11,797.50	12,265.50	12,714.00	13,182.00
8	11,719.50	12,207.00	12,655.50	13,123.50	13,591.50
9	12,109.50	12,597.00	13,065.00	13,494.00	13,981.50
10	12,538.50	12,967.50	13,435.50	13,942.50	14,547.00
11	12,909.00	13,474.50	14,079.00	14,664.00	15,229.50
12	13,455.00	14,098.50	14,781.00	15,444.00	16,068.00
13	13,825.50	14,566.50	15,288.00	16,029.00	16,789.50
14	14,566.50	15,327.00	16,107.00	16,887.00	17,647.50
15	15,249.00	16,048.50	16,867.50	17,667.00	18,447.00
16	15,736.50	16,555.50	17,374.50	18,193.50	19,012.50
17	16,224.00	17,043.00	17,881.50	18,778.50	19,617.00
18	16,867.50	17,764.50	18,681.00	19,597.50	20,514.00
19	17,530.50	18,486.00	19,461.00	20,416.50	21,372.00
20	18,232.50	19,188.00	20,163.00	21,118.50	22,093.50
21	18,915.00	19,890.00	20,865.00	21,820.50	22,815.00
22	19,792.50	20,943.00	22,054.50	23,185.50	24,277.50
23	20,709.00	21,840.00	23,029.50	24,180.00	25,330.50
24	21,586.50	22,815.00	24,004.50	25,233.00	26,383.50
25	23,029.50	24,336.00	25,623.00	26,968.50	28,275.00
26	23,751.00	25,038.00	26,383.50	27,768.00	29,094.00
27	24,453.00	25,798.50	27,163.50	28,567.50	29,913.00
28	25,213.50	26,637.00	28,099.50	29,503.50	30,966.00
29	25,974.00	27,456.00	28,957.50	30,459.00	31,980.00
30	26,715.00	28,294.50	29,874.00	31,453.50	33,013.50
31	28,567.50	30,166.50	31,824.00	33,442.50	35,080.50
32	30,381.00	32,077.50	33,735.00	35,470.50	37,186.50
33	32,584.50	34,437.00	36,328.50	38,181.00	40,072.50
34	34,768.50	36,874.50	38,902.50	40,930.50	42,997.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing June 7, 1985, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
13	16,126.50	17,004.00	17,842.50	18,700.50	19,597.50
14	17,004.00	17,881.50	18,798.00	19,695.00	20,592.00
15	17,784.00	18,720.00	19,675.50	20,611.50	21,528.00
16	18,369.00	19,324.50	20,280.00	21,235.50	22,191.00
17	18,934.50	19,890.00	20,865.00	21,918.00	22,893.00
18	19,675.50	20,728.50	21,801.00	22,873.50	23,926.50
19	20,455.50	21,567.00	22,698.00	23,829.00	24,940.50
20	21,274.50	22,386.00	23,517.00	24,648.00	25,779.00
21	22,074.00	23,205.00	24,336.00	25,467.00	26,617.50
22	23,088.00	24,433.50	25,740.00	27,046.50	28,333.50
23	24,160.50	25,486.50	26,871.00	28,216.50	29,562.00
24	25,194.00	26,617.50	28,002.00	29,445.00	30,790.50
25	26,871.00	28,392.00	29,893.50	31,473.00	32,994.00
26	27,709.50	29,211.00	30,790.50	32,389.50	33,949.50
27	28,528.50	30,108.00	31,687.50	33,325.50	34,905.00
28	29,425.50	31,083.00	32,779.50	34,417.50	36,133.50
29	30,303.00	32,038.50	33,793.50	35,529.00	37,303.50

2 Classified Salaries; June 6, 1986. Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,393.50	10,608.00	10,822.50	11,076.00
2	10,393.50	10,608.00	10,822.50	11,076.00	11,310.00
3	10,608.00	10,822.50	11,076.00	11,310.00	11,505.00
4	10,764.00	11,056.50	11,349.00	11,700.00	12,090.00
5	11,076.00	11,427.00	11,856.00	12,304.50	12,694.50
6	11,427.00	11,836.50	12,265.50	12,694.50	13,162.50
7	11,895.00	12,382.50	12,870.00	13,357.50	13,845.00
8	12,304.50	12,811.50	13,279.50	13,786.50	14,274.00
9	12,714.00	13,221.00	13,728.00	14,176.50	14,683.50
10	13,162.50	13,611.00	14,098.50	14,644.50	15,268.50
11	13,552.50	14,157.00	14,781.00	15,405.00	15,990.00
12	14,137.50	14,800.50	15,522.00	16,224.00	16,867.50
13	14,508.00	15,288.00	16,048.50	16,828.50	17,628.00
14	15,288.00	16,087.50	16,906.50	17,725.50	18,525.00
15	16,009.50	16,848.00	17,706.00	18,544.50	19,363.50
16	16,516.50	17,374.50	18,252.00	19,110.00	19,968.00
17	17,043.00	17,901.00	18,778.50	19,714.50	20,592.00
18	17,706.00	18,661.50	19,617.00	20,572.50	21,547.50
19	18,408.00	19,402.50	20,436.00	21,430.50	22,444.50
20	19,149.00	20,143.50	21,177.00	22,171.50	23,205.00
21	19,870.50	20,884.50	21,918.00	22,912.50	23,965.50
22	20,787.00	21,996.00	23,166.00	24,336.00	25,486.50
23	21,742.50	22,932.00	24,180.00	25,389.00	26,598.00
24	22,659.00	23,965.50	25,213.50	26,500.50	27,709.50
25	24,180.00	25,545.00	26,910.00	28,314.00	29,698.50
26	24,940.50	26,286.00	27,709.50	29,152.50	30,556.50
27	25,681.50	27,085.50	28,528.50	29,991.00	31,414.50
28	26,481.00	27,963.00	29,503.50	30,985.50	32,506.50
29	27,280.50	28,821.00	30,400.50	31,980.00	33,579.00
30	28,060.50	29,718.00	31,375.50	33,033.00	34,671.00
31	29,991.00	31,668.00	33,423.00	35,119.50	36,835.50
32	31,902.00	33,676.50	35,431.50	37,245.00	39,039.00
33	34,222.50	36,153.00	38,142.00	40,092.00	42,081.00
34	36,504.00	38,727.00	40,852.50	42,978.00	45,142.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Step 4
13	16,926.00	17,842.50	18,720.00	19,636.50	20,572.50
14	17,842.50	18,778.50	19,734.00	20,689.50	21,606.00
15	18,681.00	19,656.00	20,650.50	21,645.00	22,600.50
16	19,266.00	20,280.00	21,294.00	22,288.50	23,302.50
17	19,890.00	20,884.50	21,918.00	23,010.00	24,024.00
18	20,650.50	21,781.50	22,893.00	24,004.50	25,135.50
19	21,469.50	22,639.50	23,848.50	24,999.00	26,188.50
20	22,347.00	23,497.50	24,706.50	25,876.50	27,066.00
21	23,185.50	24,375.00	25,564.50	26,734.50	27,963.00
22	24,258.00	25,662.00	27,027.00	28,392.00	29,737.50
23	25,369.50	26,754.00	28,216.50	29,620.50	31,024.50
24	26,442.00	27,963.00	29,425.50	30,927.00	32,331.00
25	28,216.50	29,796.00	31,395.00	33,033.00	34,651.50
26	29,094.00	30,673.50	32,331.00	34,008.00	35,646.00
27	29,971.50	31,609.50	33,286.50	34,983.00	36,660.00
28	30,888.00	32,623.50	34,417.50	36,153.00	37,927.50
29	31,824.00	33,618.00	35,470.50	37,303.50	39,175.50

3 Classified Salaries; March 13, 1987. Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,491.00	10,803.00	11,134.50	11,466.00
2	10,491.00	10,803.00	11,134.50	11,466.00	11,817.00
3	10,803.00	11,134.50	11,466.00	11,817.00	12,168.00
4	11,134.50	11,466.00	11,817.00	12,168.00	12,538.50
5	11,466.00	11,817.00	12,168.00	12,538.50	12,909.00
6	11,817.00	12,168.00	12,538.50	12,909.00	13,299.00
7	12,168.00	12,655.50	13,162.50	13,689.00	14,235.00
8	12,655.50	13,162.50	13,689.00	14,235.00	14,800.50
9	13,162.50	13,689.00	14,235.00	14,800.50	15,385.50
10	13,689.00	14,235.00	14,800.50	15,385.50	16,009.50
11	14,235.00	14,800.50	15,385.50	16,009.50	16,653.00
12	14,800.50	15,385.50	16,009.50	16,653.00	17,316.00
13	15,385.50	16,009.50	16,653.00	17,316.00	18,018.00
14	16,009.50	16,653.00	17,316.00	18,018.00	18,739.50
15	16,653.00	17,355.00	18,096.00	18,856.50	19,656.00
16	17,355.00	18,096.00	18,856.50	19,656.00	20,494.50
17	18,096.00	18,856.50	19,656.00	20,494.50	21,372.00
18	18,856.50	19,656.00	20,494.50	21,372.00	22,288.50
19	19,656.00	20,494.50	21,372.00	22,288.50	23,244.00
20	20,494.50	21,372.00	22,288.50	23,244.00	24,238.50
21	21,372.00	22,288.50	23,244.00	24,238.50	25,272.00
22	22,288.50	23,244.00	24,238.50	25,272.00	26,344.50
23	23,244.00	24,297.00	25,389.00	26,539.50	27,729.00
24	24,297.00	25,389.00	26,539.50	27,729.00	28,977.00
25	25,389.00	26,539.50	27,729.00	28,977.00	30,283.50
26	26,539.50	27,729.00	28,977.00	30,283.50	31,648.50
27	27,729.00	28,977.00	30,283.50	31,648.50	33,072.00
28	28,977.00	30,283.50	31,648.50	33,072.00	34,554.00
29	30,283.50	31,648.50	33,072.00	34,554.00	36,114.00
30	31,648.50	33,072.00	34,554.00	36,114.00	37,732.50
31	33,072.00	34,651.50	36,289.50	38,005.50	39,819.00
32	34,651.50	36,289.50	38,005.50	39,819.00	41,710.50
33	36,289.50	38,005.50	39,819.00	41,710.50	43,699.50
34	38,005.50	39,819.00	41,710.50	43,699.50	45,766.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Step 4
13	17,959.50	18,681.00	19,441.50	20,202.00	21,021.00
14	18,681.00	19,441.50	20,202.00	21,021.00	21,859.50
15	19,441.50	20,260.50	21,118.50	21,996.00	22,932.00
16	20,260.50	21,118.50	21,996.00	22,932.00	23,926.50
17	21,118.50	21,996.00	22,932.00	23,926.50	24,940.50
18	21,996.00	22,932.00	23,926.50	24,940.50	26,013.00
19	22,932.00	23,926.50	24,940.50	26,013.00	27,124.50
20	23,926.50	24,940.50	26,013.00	27,124.50	28,294.50
21	24,940.50	26,013.00	27,124.50	28,294.50	29,484.00
22	26,013.00	27,124.50	28,294.50	29,484.00	30,751.50
23	27,124.50	28,353.00	29,620.50	30,966.00	32,350.50
24	28,353.00	29,620.50	30,966.00	32,350.50	33,813.00
25	29,620.50	30,966.00	32,350.50	33,813.00	35,334.00
26	30,966.00	32,350.50	33,813.00	35,334.00	36,933.00
27	32,350.50	33,813.00	35,334.00	36,933.00	38,590.50
28	33,813.00	35,334.00	36,933.00	38,590.50	40,326.00
29	35,334.00	36,933.00	38,590.50	40,326.00	42,139.50

4 Unclassified Salaries; June 7, 1985. Amend RSA 94:1-a, I and II (supp) as inserted by 1975, 505:28 as amended by striking out said paragraphs and inserting in place thereof the following:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 7, 1985:

Group I \$17,973-\$26,948

Executive director, real estate commission
Director, veterans' council

Group J \$20,963-\$29,938

Deputy director - state council on aging
Assistant secretary of state
Executive assistant, adult parole board
State archivist
Assistant to the commissioner of the department of resources and economic development

Group K \$23,944-\$32,939

Assistant state treasurer
Director, risk management
Director, state council on aging
Director, division of graphic services
Business supervisor analysts
Assistant to the director of motor vehicles
Executive director, governor's commission for the handicapped
Coordinator of federal funds
Director, transportation division
Executive director, commission on the arts
Assistant librarian
State fire marshal
Director of administration, department of corrections
Director, police standards and training council.
Senior industrial agents
Deputy labor commissioner
Administrative assistant to chief justice of superior court
Executive director, postsecondary education commission

Group L \$26,947-\$35,927

Assistant insurance commissioner
Coordinator of highway safety
State veterinarian
Board of tax and land appeals, members
Coordinator of judicial and public education and information
Deputy director, crime commission
Director, municipal services, water supply and pollution control commission

Field audit team leader (6)
 Director of safety services
 Director, port authority
 Executive secretary district and municipal courts administrative services
 Unit director (non-medical), New Hampshire hospital

Group M \$29,942-\$38,917

Superintendent, Glencliff home
 Commandant, veterans' home
 Assistant attorneys-general
 Manager, planning and support, centralized data processing
 Manager, operations, centralized data processing
 Manager, systems development, centralized data processing
 Staff associate for technical resources control, centralized data processing
 Director, office of alcohol and drug abuse prevention
 Director of aeronautics

Group M (continued)

Executive secretary, N.H. retirement system
 Counsel, department of employment security
 Counsel, public utilities commission
 Chief aquatic biologist, water supply and pollution control commission
 Director, air resources agency
 Audit team leader
 Benefits administrator

Group N \$32,942-\$41,917

Executive director, New Hampshire crime commission
 Director, purchase and property
 Director of information management and planning
 Director, division of accounts
 Assistant superintendent for administration and support, Laconia state school
 Assistant superintendent, New Hampshire hospital
 Assistant safety commissioner
 Warden, state prison
 Commissioner of agriculture
 Labor commissioner
 State librarian
 Deputy secretary of state
 State negotiator
 Deputy treasurers
 Deputy insurance commissioner
 Director, division for children and youth services
 Director, motor vehicles
 Director, state police
 Director, fish and game
 Director, economic development
 Director, forests and lands
 Director, parks and recreation
 Director, adult services
 Director, field services
 Director, operational analysis
 Assistant director, audit division
 Assistant chief engineer-administrators, water supply and pollution control commission
 Chairman, water resources board
 General counsel, department of employment security
 Deputy director, centralized data processing
 Deputy bank commissioner

Group O \$34,437-\$44,167

Adjutant general
 Commissioner of postsecondary vocational-technical education
 Deputy comptroller

Group O (continued)

Director, insurance examination
 Director, audit division, revenue administration
 Director, returns processing, revenue administration
 Deputy attorney-general
 Deputy safety commissioner
 Deputy commissioner, public works and highways

Assistant commissioner, public works and highways
 Associate commissioner, public works and highways
 Deputy commissioner of education
 State treasurer
 Secretary of state
 Bank commissioner
 Liquor commissioners
 Director of welfare
 Executive director, sweepstakes commission
 Director, centralized data processing
 Deputy commissioner of health and welfare
 Deputy executive director, water supply and pollution control commission
 Deputy director of personnel

Group P \$38,918-\$50,143

Commissioner, corrections
 Commissioner, department of employment security
 Executive director, water supply and pollution control commission
 Liquor commission, chairman
 Director, personnel

Group Q \$40,425-\$51,650

Superintendent, Laconia state school
 Superintendent, New Hampshire hospital
 Senior physician/psychiatrist/dentist
 Director of administrative services, supreme court
 Clerk and court reporter, supreme court

Group R \$41,920-\$53,145

Unit director (medical), New Hampshire hospital

Group S \$43,415-\$54,640

Director, mental health and developmental services
 Director, public health services
 Assistant superintendent for professional services, Laconia state school
 Assistant superintendent for professional services, New Hampshire hospital
 Comptroller

Group T \$56,133

Public utilities commissioners
 Attorney general
 Insurance commissioner
 Commissioner, public works and highways
 Commissioner, health and welfare
 Commissioner, education
 Commissioner, revenue administration
 Commissioner, resources and economic development
 Safety commissioner
 Commissioner, department of administrative services

Group U \$57,641

Chief medical examiner

Group V \$59,877

Group W \$62,880

Governor

II. The salary wages for the position set forth below shall be as follows commencing June 7, 1985:

	Minimum	Maximum
Governor's councilors		7,483
Pari-mutuel commissioners		5,674
Sweepstakes commission, chairman		8,514
Sweepstakes commission, members		4,541
Director, charitable trusts	10,393	13,843

5 Unclassified Salaries; June 6, 1986. Amend RSA 94:1-a, I and II (supp) as inserted by 1975, 505:28 as amended by striking out said paragraphs and inserting in place thereof the following:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 6, 1986:

Group I \$18,875-\$28,295

Executive director, real estate commission
Director, veterans' council

Group J \$22,010-\$31,435

Deputy director - state council on aging
Assistant secretary of state
Executive assistant, adult parole board
State archivist
Assistant to the commissioner of the department of resources and economic development

Group K \$25,141-\$34,586

Assistant state treasurer
Director, risk management
Director, state council on aging
Director, division of graphic services
Business supervisor analysts
Assistant to the director of motor vehicles
Executive director, governor's commission for the handicapped
Coordinator of federal funds
Director, transportation division
Executive director, commission on the arts
Assistant librarian
State fire marshal
Director of administration, department of corrections
Director, police standards and training council.
Senior industrial agents
Deputy labor commissioner
Administrative assistant to chief justice of superior court
Executive director, postsecondary education commission

Group L \$28,298-\$37,723

Assistant insurance commissioner
Coordinator of highway safety
State veterinarian
Board of tax and land appeals, members
Coordinator of judicial and public education and information
Deputy director, crime commission
Director, municipal services, water supply and pollution control commission
Field audit team leader (6)
Director of safety services
Director, port authority
Executive secretary district and municipal courts administrative services
Unit director (non-medical), New Hampshire hospital

Group M \$31,438-\$40,863

Superintendent, Glencliff home
Commandant, veterans' home
Assistant attorneys-general
Manager, planning and support, centralized data processing
Manager, operations, centralized data processing
Manager, systems development, centralized data processing
Staff associate for technical resources control, centralized data processing
Director, office of alcohol and drug abuse prevention
Director of aeronautics
Executive secretary, N.H. retirement system
Counsel, department of employment security
Counsel, public utilities commission
Chief aquatic biologist, water supply and pollution control commission
Director, air resources agency

Audit team leader
Benefits administrator

Group N \$34,588-\$44,013

Executive director, New Hampshire crime commission
Director, purchase and property
Director of information management and planning
Director, division of accounts
Assistant superintendent for administration and support, Laconia state school
Assistant superintendent, New Hampshire hospital
Assistant safety commissioner
Warden, state prison
Commissioner of agriculture
Labor commissioner
State librarian
Deputy secretary of state
State negotiator
Deputy treasurers
Deputy insurance commissioner
Director, division for children and youth services
Director, motor vehicles
Director, state police
Director, fish and game
Director, economic development
Director, forests and lands
Director, parks and recreation
Director, adult services
Director, field services
Director, operational analysis

Group N (continued)

Assistant director, audit division
Assistant chief engineer-administrators, water supply and pollution control commission
Chairman, water resources board
General counsel, department of employment security
Deputy director, centralized data processing
Deputy bank commissioner

Group O \$36,160-\$46,375

Adjutant general
Commissioner of postsecondary vocational-technical education
Deputy comptroller
Director, insurance examination
Director, audit division, revenue administration
Director, returns processing, revenue administration
Deputy attorney-general
Deputy safety commissioner
Deputy commissioner, public works and highways
Assistant commissioner, public works and highways
Associate commissioner, public works and highways
Deputy commissioner of education
State treasurer
Secretary of state
Bank commissioner
Liquor commissioners
Director of welfare
Executive director, sweepstakes commission
Director, centralized data processing
Deputy commissioner of health and welfare
Deputy executive director, water supply and pollution control commission
Deputy director of personnel

Group P \$40,865-\$52,650

Commissioner, corrections
Commissioner, department of employment security
Executive director, water supply and pollution control commission
Liquor commission, chairman
Director, personnel

Group Q \$42,446-\$54,236

Superintendent, Laconia state school
 Superintendent, New Hampshire hospital
 Senior physician/psychiatrist/dentist
 Director of administrative services, supreme court
 Clerk and court reporter, supreme court

Group R \$44,016-\$55,806

Unit director (medical), New Hampshire hospital

Group S \$45,586-\$57,376

Director, mental health and developmental services
 Director, public health services
 Assistant superintendent for professional services, Laconia state school
 Assistant superintendent for professional services, New Hampshire hospital
 Comptroller

Group T \$58,940

Public utilities commissioners
 Attorney general
 Insurance commissioner
 Commissioner, public works and highways
 Commissioner, health and welfare
 Commissioner, education
 Commissioner, revenue administration
 Commissioner, resources and economic development
 Safety commissioner
 Commissioner, department of administrative services

Group U \$60,523

Chief medical examiner

Group V \$62,871

Group W \$66,024

Governor

II. The salary wages for the positions set forth below shall be as follows commencing June 6, 1986:

	Minimum	Maximum
Governor's councilors		7,857
Pari-mutuel commissioners		5,958
Sweepstakes commission, chairman		8,940
Sweepstakes commission, members		4,768
Director, charitable trusts	10,913	14,538

6 Longevity Retirement. Amend RSA 490:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II. As additional compensation for services rendered and to be rendered, any justice of the supreme court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid. A justice of the supreme court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

7 Vesting; Reduced Compensation. Amend RSA 490:2 by inserting after paragraph II the following new paragraphs:

II-a. Rights of a justice of the supreme court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of

service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 33-1/3 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 50 percent of the currently effective annual salary of the office from which he retired.

II-b. A justice of the supreme court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

8 Longevity Retirement. Amend RSA 491:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II. As additional compensation for services rendered and to be rendered, any justice of the superior court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and after having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid. A justice of the superior court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

9 Vesting; Reduced Compensation. Amend RSA 491:2 by inserting after paragraph II the following new paragraphs:

II-a. Rights of a justice of the superior court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 33-1/3 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 50 percent of the currently effective annual salary of the office from which he retired.

II-b. A justice of the superior court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

10 New Chapter Title. Amend the chapter title of RSA 491-A as inserted by 1981, 568:136, IV by striking out said title and inserting in place thereof the following:

CHAPTER 491-A JUDICIAL COMPENSATION AND RETIREMENT CONTRIBUTION

11 New Judicial Salary Schedule; Retirement Contribution Required. Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$65,500
Associate justices, supreme court	\$64,000
Chief justice, superior court	\$63,500
Associate justices, superior court	\$62,000
District court justices prohibited from practice pursuant to RSA 502-A:21	\$62,000
Probate judges	\$17,325

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

III. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1985.

12 New Judicial Salary Schedule; Retirement Contribution Required. Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$68,500
Associate justices, supreme court	\$67,000
Chief justice, superior court	\$66,500
Associate justices, superior court	\$65,000
District court justices prohibited from practice pursuant to RSA 502-A:21	\$65,000
Probate judges	\$17,325

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

III. The salaries listed in paragraph I shall be adjusted to reflect any salary increases given to judicial employees.

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1986.

13 New Judicial Salary Schedule; Retirement Contribution Required.
Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$71,000
Associate justices, supreme court	\$69,500
Chief justice, superior court	\$69,000
Associate justices, superior court	\$67,500
District court justices prohibited from practice pursuant to RSA 502-A:21	\$67,500
Probate judges	\$17,325

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 per year for every year of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

III. The salaries listed in paragraph I shall be adjusted to reflect any salary increases given to judicial employees.

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1987.

14 New Judicial Salary Schedule; Retirement Contribution Required.
Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$74,000
Associate justices, supreme court	\$72,500
Chief justice, superior court	\$72,000
Associate justices, superior court	\$70,500
District court justices prohibited from practice pursuant to RSA 502-A:21	\$70,500
Probate judges	\$17,325

II. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$1,000 on each anniversary date of full-time judicial service commencing upon the fifth anniversary of said service; in no case, however, shall additional service increments exceed \$5,000.

III. The salaries listed in paragraph I shall be adjusted to reflect any salary increases given to judicial employees.

IV. Each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund for the fiscal year commencing July 1, 1988, and for each fiscal year thereafter.

15 Longevity Retirement. Amend RSA 502-A:6-a, III (supp) as inserted by 1977, 454:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. As additional compensation for services rendered and to be rendered, a justice of the district court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of the court are paid. Any justice who is a member of the state or local retirement system on January 1, 1984, shall forthwith cease to be a member of that system. The accumulated contributions made by such justices shall be paid out of the retirement trust fund to the justice. Notwithstanding the limitations set forth herein regarding minimum years of service at time of retirement, any person who, on July 1, 1981, was a justice of a district court shall be entitled to the retirement benefits set forth herein upon his retirement at age 70. A justice within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by $\frac{5}{9}$ of one percent for each such earlier month.

16 Vesting; Reduced Compensation. Amend RSA 502-A:6-a by inserting after paragraph III the following new paragraphs:

III-a. Rights of a justice to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service at the percentiles of the pay of the office as specified:

(a) Ten years shall vest $\frac{33-1}{3}$ percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 50 percent of the currently effective annual salary of the office from which he retired.

III-b. A justice whose rights have vested under paragraph III-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

17 Appropriation for Salary Increase.

I. The sums of \$22,853,879 in general funds, \$7,108,534 in highway funds, \$409,530 in fish and game funds, \$5,648,376 in federal funds, and \$1,528,703 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1986, and June 30, 1987, for salary increases for classified, unclassified, judicial and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

II. The appropriation made by this section shall be distributed among all classified, unclassified, judicial and legislative employees in the same manner, and shall include all additional cost items; provided, however, that no salary increase shall be given under this section for the fiscal year ending June 30, 1986, to any member of the judicial branch whose salary is set by RSA 491-A:1.

18 Effective Date.

I. Sections 1 and 4 of this act shall take effect June 7, 1985.

II. Sections 2 and 5 of this act shall take effect June 6, 1986.

III. Section 3 of this act shall take effect March 13, 1987.

IV. Sections 11 and 17 of this act shall take effect July 1, 1985.

V. Section 17 of this act shall take effect July 1, 1986.

VI. Section 13 of this act shall take effect July 1, 1987.

VII. Section 14 of this act shall take effect July 1, 1988.

VIII. The remainder of this act shall take effect upon its passage.

Question being on the Committee amendment, on a voice vote the Chair was in doubt and requested a division.

Rep. Champagne abstained from voting under Rule 16.

209 members having voted in the affirmative and 114 in the negative, the amendment was adopted.

Rep. Hyman offered an amendment.

Amendment

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Longevity Retirement. Amend RSA 490:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II.(a) For justices of the supreme court appointed prior to July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the supreme court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

(b) For justices of the supreme court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the supreme court who retires:

(1) Upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years shall receive annually during the remainder of his life an amount equal to 33-1/3 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an amount equal to 45 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired.

These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

(c) A justice of the supreme court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

7 Vesting; Reduced Compensation. Amend RSA 490:2 by inserting after paragraph II the following new paragraphs:

II-a. Rights of a justice of the supreme court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 25 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 35 percent of the currently effective annual salary of the office from which he retired.

II-b. A justice of the supreme court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

8 Longevity Retirement. Amend RSA 491:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II.(a) For justices of the superior court appointed prior to July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the superior court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

(b) For justices of the superior court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the superior court who retires:

(1) Upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years shall receive annually during the remainder of his life an amount equal to 33-1/3 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an amount equal to 45 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired.

These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

(c) A justice of the superior court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

9 Vesting; Reduced Compensation. Amend RSA 491:2 by inserting after paragraph II the following new paragraphs:

II-a. Rights of a justice of the superior court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 25 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 35 percent of the currently effective annual salary of the office from which he retired.

II-b. A justice of the superior court whose rights have vested under paragraph II-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

10 New Chapter Title. Amend the chapter title of RSA 491-A as inserted by 1981, 568:136, IV by striking out said title and inserting in place thereof the following:

CHAPTER 491-A JUDICIAL COMPENSATION AND RETIREMENT CONTRIBUTION

11 New Judicial Salary Schedule; Retirement Contribution Required. Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:

491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

	Appointed before July 1, 1985	Appointed on or after July 1, 1985
Chief justice, supreme court	\$62,381	\$62,387
Associate justices, supreme court	\$60,953	\$57,143
Chief justice, superior court	\$60,477	\$60,477
Associate justices, superior court	\$59,048	\$55,715
District court justices prohibited from practice pursuant to RSA 502-A:21	\$59,048	\$55,715
Probate judges	\$17,325	\$17,325

II. Beginning June 7, 1985, the salaries listed in paragraph I shall be adjusted to reflect any salary increases given to judicial employees.

III. Commencing July 1, 1985, each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund each fiscal year.

12 Longevity Retirement. Amend RSA 502-A:6-a, III (supp) as inserted by 1977, 454:1 as amended by striking out said paragraph and inserting in place thereof the following:

III.(a) For justices of the district court appointed prior July 1, 1985, as additional compensation for services rendered and to be rendered, a justice of the district court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective

annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of the court are paid. Any justice who is a member of the state or local retirement system on January 1, 1984, shall forthwith cease to be a member of that system. The accumulated contributions made by such justices shall be paid out of the retirement trust fund to the justice. Notwithstanding the limitations set forth herein regarding minimum years of service at time of retirement, any person who, on January 2, 1982, was a justice of a district court shall be entitled to the retirement benefits set forth herein upon his retirement at age 70.

(b) For full-time justices of the district court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the district court who retires:

(1) Upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years shall receive annually during the remainder of his life an amount equal to 33-1/3 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an

amount equal to 45 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired. These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

(c) A justice of the district court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

13 Vesting; Reduced Compensation. Amend RSA 502-A:6-a by inserting after paragraph III the following new paragraphs:

III-a. Rights of a justice to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 25 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 35 percent of the currently effective annual salary of the office from which he retired.

III-b. A justice whose rights have vested under paragraph III-a and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

14 Benefits for Surviving Spouses of Justices. Amend RSA 490:2, III and IV as amended by striking out said paragraphs and inserting in place thereof the following:

III.(a) If a justice appointed prior to July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by such deceased justice, as additional compensation for the services of said justice. In case there is more than one child, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 50 percent of a retirement benefit for which he is eligible at the time of death, or if not eligible, 50 percent of the benefit to which he would have been entitled had he remained in service until age 70.

IV.(a) If a justice appointed prior to July 1, 1985, dies having terminated his service as such and having become entitled to compensation as provided in this section, or after having become a judicial referee, or having been retired because of disability, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by such deceased justice, as additional compensation for the services of said justice. In case there is more than one child, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies having terminated his service, and having become entitled to compensation as provided in this section, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to receive 50 percent of the retirement benefit to which the justice is entitled.

15 Benefits for Surviving Spouses of Justices. Amend RSA 491:2, III and IV as amended by striking out said paragraphs and inserting in place thereof the following:

III.(a) If a justice appointed prior to July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by such deceased justice, as additional compensation for the services of said justice. In case there is more than one child, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 50 percent of a retirement benefit for which he is eligible at the time of death, or if not eligible, 50 percent of the benefit to which he would have been entitled had he remained in service until age 70.

IV.(a) If a justice appointed prior to July 1, 1985, dies having terminated his service as such and having become entitled to compensation as provided in this section, or after having become a judicial referee, or having been retired because of disability, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death

or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by such deceased justice, as additional compensation for the services of said justice. In case there is more than one child, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies having terminated his service, and having become entitled to compensation as provided in this section, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to receive 50 percent of the retirement benefit to which the justice is entitled.

16 Benefits for Surviving Spouses of Justices. Amend RSA 502-A:6-a, IV and V (supp) as inserted by 1977, 454:1 as amended by striking out said paragraphs and inserting in place thereof the following:

IV.(a) If a justice appointed prior to July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his children under the age of 18 years, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by the deceased justice as additional compensation for the services of the justice. If there is more than one child under the age of 18 years, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies in office, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 50 percent of a retirement benefit for which he is eligible at the time of death, or if not eligible, 50 percent of the benefit to which he would have been entitled had he remained in service until age 70.

V.(a) If a justice appointed prior to July 1, 1985, dies after having terminated his service and after becoming entitled to compensation under this section, or after having been retired because of permanent disability, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his children under the age of 18 years, shall annually be entitled to 1/2 of the currently effective annual salary payable for the office last held by the deceased justice as additional compensation for the services of the justice. If there is more than one child under the age of 18 years, the compensation shall be divided equally among them.

(b) If a justice appointed on or after July 1, 1985, dies having

terminated his service, and having become entitled to compensation as provided in this section, his surviving spouse, as long as she remains unmarried, or, if he leaves no surviving spouse, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to receive 50 percent of the retirement benefit to which the justice is entitled.

17 Appropriation for Salary Increase.

I. The sums of \$22,853,879 in general funds, \$7,108,534 in highway funds, \$409,530 in fish and game funds, \$5,648,376 in federal funds, and \$1,528,703 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1986, and June 30, 1987, for salary increases for classified, unclassified, judicial and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

II. The appropriation made by this section shall be distributed among all classified, unclassified, judicial and legislative employees in the same manner, and shall include all additional cost items.

18 Effective Date.

I. Sections 1 and 4 of this act shall take effect June 7, 1985.

II. Sections 2 and 5 of this act shall take effect June 6, 1986.

III. Section 3 of this act shall take effect March 13, 1987.

IV. Section 11 of this act shall take effect June 7, 1985.

V. Section 17 of this act shall take effect July 1, 1985.

VI. The remainder of this act shall take effect upon its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Hyman explained the amendment and yielded to questions.

Rep. Ramsay spoke against the amendment and yielded to questions.

On a voice vote the amendment lost.

Question now being shall SB 5 pass.

On a voice vote the Chair was in doubt and requested a division.

Rep. Champagne abstained from voting under Rule 16.

218 members having voted in the affirmative and 110 in the negative, SB 5 was ordered to third reading.

SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities. Ought to Pass with Amendment.

The amendment provides for the Water Supply and Pollution Control Commission to purchase liability insurance to cover engineers on projects in towns of up to 5,000 population. Vote 15-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities and authorizing the water supply and pollution control commission to purchase liability insurance.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Commission Duties. Amend RSA 149:4, IX as inserted by 1965, 267:8 as amended by striking out said paragraph and inserting in place thereof the following:

IX. To set standards of design and construction for sewerage and sewage or waste treatment systems. To reject, if necessary, or modify and approve as deemed necessary for the purposes of the state water pollution control program all engineering or other documents associated with the design and construction of pollution control projects and perform such other related engineering or inspectional work as will provide for proper design, construction and operation of the facilities involved, and take such other action as the commission deems necessary to maximize the effectiveness of sewerage and other pollution control facilities, both proposed and in construction. The purpose of this paragraph is to ensure the planning, construction and operation of publicly owned pollution control facilities which in the judgment of the commission will produce maximum benefits with the least expenditure of federal, state and local funds. The commission is hereby authorized to purchase professional liability insurance annually in order to provide coverage in connection with resident construction engineering services which may be made available to municipalities by the commission for projects undertaken with benefit of a federal grant under the provisions of this chapter; provided, however, that no construction engineering services shall be provided to any municipality with a population of greater than 5,000 according to the 1985 office of state planning estimates, nor when the estimated project costs exceed \$2,000,000.

Amendment adopted.

Rep. Dickinson offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities, authorizing the water supply and pollution control commission to purchase liability insurance, and authorizing the water supply and pollution control commission to conduct sewage plan effluent research and investigate a revolving loan fund.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Commission Authority to Investigate a Revolving Loan Fund. The water supply and pollution control commission is hereby authorized to investigate, in cooperation with the environmental protection agency, under such guidelines as may be established under the Federal Clean Water Act, as amended, the feasibility of creating a state revolving loan fund to assist municipalities, as defined in RSA 149-B:1, in defraying the cost of constructing pollution control facilities required under the provisions of RSA 148 and 149. Said investigation shall include, but not be limited to, such matters as capitalization methods for the fund, terms and conditions under which loans may be made available to municipalities, maximum loans to be made available, methods for repayment of loans to the fund, and such other factors as are pertinent to the creation of a revolving loan fund for the purposes stated herein. The commission shall report its findings and proposed recommendations to the general court no later than January 1, 1986.

7 Research in the Disinfection of Sewage Treatment Plant Effluents. The water supply and pollution control commission, in accordance with the provisions of RSA 149 and in consultation with the division of public health services with regard to appropriate health risk assessment measures, is hereby authorized to perform studies and research to evaluate the feasibility of establishing seasonal water quality standards and requirements for the disinfection of sewage treatment plant effluents. To achieve this objective, the commission may grant municipalities, on a case by case basis, permission to reduce, to suspend, or otherwise to modify the application of disinfection chemicals to treatment plant effluents during the periods of October 30, 1985, to April 1, 1986, and October 30, 1986, to April 1, 1987, provided that downstream water is regularly monitored in each case to assess any potential risk to human health. In the event that an unacceptable health risk should be discovered, appropriate action shall be immediately taken to abate said risk. The commission shall present its findings and recommendations concerning said study and research in the form of a report to the general court not later than September 30, 1986.

8 Effective Date. This act shall take effect upon its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Dickinson explained the amendment. Amendment adopted. Ordered to third reading.

SB 128-FN, relative to public assistance. Inexpedient to Legislate. The Committee recommended Inexpedient to Legislate as there aren't any funds available and it was felt the Committee should not pass bills unfunded. The Committee feels also it would be mandating costs to towns and cities. Vote 16-0. Rep. Roma A. Spaulding for Appropriations.

Rep. Chambers moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Spaulding and Kane spoke against the motion and yielded to questions. Motion lost.

Rep. Blacketor moved that SB 128 be referred for Interim Study and spoke to his motion.

A division was requested.

198 members having voted in the affirmative and 128 in the negative, SB 128 was referred for Interim Study.

RECONSIDERATION

Rep. Kane moved that the House reconsider its action whereby it killed SB 201, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.

Reconsideration lost.

SUSPENSION OF RULES

Rep. George Gordon moved that the Rules be so far suspended as to permit introduction and consideration at the present time of a House Bill request, without introduction, referral, public hearing and the required notice in the Calendar, after the deadline dates.

Reps. Sytek and Kenneth MacDonald spoke against the motion and yielded to questions.

Rep. Sara Townsend spoke against the motion.

A roll call was requested. Insufficiently seconded.

A division was requested.

45 members having voted in the affirmative and 273 in the negative the motion lost.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 138-FN, relative to sunset review of game resources. (Amendment printed SJ 5/9)

Rep. Doris Riley moved that the House concur. Adopted.

HB 428-FN, relative to mortgage home loans. (Amendment printed SJ 5/14)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Quimby, Lindblade, Bonnie Packard and Lamy.

HB 755, relative to amendments in the New Hampshire energy code. (Amendment printed SJ 5/15)

Rep. Quimby moved that the House concur. Adopted.

HB 80, relative to health insurance reimbursement agreements. (Amendment printed SJ 5/16)

Rep. Quimby moved that the House concur. Adopted.

HB 742, enabling mutual savings banks to reorganize as mutual holding companies. (Amendment printed SJ 5/15)

Rep. Quimby moved that the House concur. Adopted.

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants. (Amendment printed SJ 5/15)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Harold Burns, Patricia Foss, Bonnie Packard and Diamant.

HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers. (Amendment printed SJ 5/15)

Rep. Quimby moved that the House concur. Adopted.

HB 148-FN, relative to sunset review of industrial development authority. (Amendment printed SJ 5/14)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Quimby, Pantzer, Frederic Foss and Crory.

HB 318, relative to mortgage escrow accounts. (Amendment printed SJ 5/14)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed B. P. Smith, A. Leslie Burns, Patricia Foss and Disnard.

HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licensees or permittees. (Amendment printed SJ 5/15)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 404-FN, deleting requirement for district court sessions in Epping. (Amendment printed SJ 5/14)

Rep. Sytek moved that the House concur. Adopted.

HB 454, relative to courtroom security and arrests. (Amendment printed SJ 5/14)
Rep. Sytek moved that the House concur.
Adopted.

HB 118-FN, relative to sunset review of division of legal counsel. (Amendment printed SJ 5/14)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Chretien, Dexter and Bass.

HB 361, relative to loitering.
(Amendment printed SJ 5/14)

Rep. Sytek moved that the House concur.
Adopted.

HB 511, requiring special agents to complete a preparatory police training program. (Amendment printed SJ 5/15)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 560, establishing a study committee relative to licensing of operators of entirely or partly power propelled water borne vehicles. (Amendment printed SJ 5/14)

Rep. Meader moved that the House concur.
Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 21 at 2:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 4, relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs.

SB 5-FN, relative to judicial retirement.

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor.

SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities.

SB 132-FN, authorizing the water supply and pollution control commission to purchase liability insurance and to engage in disinfection research.

SB 197-FN, making appropriations to the sire stakes program.

SB 1-FN, relative to the settlement laws.

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system.

SB 117, establishing an annual commemorative rifle or shotgun lottery.

SB 130-FN, implementing a comprehensive mouse management program.

SJR 1, relative to the sweepstakes commission fund.

PERSONAL PRIVILEGE

Rep. LaMott addressed the House under Personal Privilege.

PERSONAL PRIVILEGE

Rep. Blair addressed the House under Personal Privilege.

Thank you, Mr. Speaker. May I respectfully suggest that by a standing vote this body compliment and express its appreciation for the groundskeepers for so well managing the grounds of the State House and the LOB.

Rep. Meader moved that Rep. Blair's remarks be printed in the Journal.
Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Scamman moved that the House reconsider its action whereby it passed SB 1, relative to the settlement laws.

Reps. Sara Townsend and Chambers spoke in favor of the motion.

Reps. Newman and Scamman spoke against the motion.

On a voice vote the Chair was in doubt and requested a division.

A roll call was requested. Sufficiently seconded.

(Rep. Rounds in the Chair)

YEAS 143 NAYS 183
YEAS 143

BELKNAP: Birch, Bowler, Richard Campbell, Hardy, Hawkins, Holbrook, Pearson and James J. White.

CARROLL: Dickinson, Robert Holmes, Kenneth MacDonald and Powers.

CHESHIRE: Blacketor, Davis, Daniel Eaton, Frink, Grodin, Matson, Miller, Morse, Perry, Ramsay, William Riley, Russell, Scranton and Thompson.

COOS: Brideau, Chappell, Chardon, Frederic Foss and Mayhew.

GRAFTON: Arnesen, Chambers, Copenhaver, Densmore, Hutchings, Michael King, LaMott, Mann, Scanlan, Howard Townsend, Wadsworth, Walter and Ward.

HILLSBOROUGH: Arnold, Champagne, Clancy, Cote, Dykstra, Joseph Eaton, Nancy Ford, Chris Jacobson, Jasper, Keefe, Kelley, Howard Mason, Morrisette, Murphy, Nelson, O'Rourke, Bonnie Packard, Pappas, Pariseau, Raiche, Reardon, Ellen-Ann Robinson, Leonard Smith, Steiner, Van Loan and Winn.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, James Chandler, Gross, Mary Holmes, Jelley, Kidder, Lewis, Rehlander, Linwood Rogers, Savaria and West.

ROCKINGHAM: Benton, Blaisdell, Burdick, Marilyn Campbell, Case, Connors, Conroy, Felch, Flanagan, Goss, Elizabeth Greene, Hollingworth, Kane, George Katsakiores, Phyllis Katsakiores, Krasker, McCain, Parr, Quimby, Norman Rogers, Sanderson, Skinner, Sloan, Sochalski, Sytek, Titone, Vaughn, Walker and Woodward.

STRAFFORD: Bates, Bryant, Burton, Callahan, Diamant, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Meader, O'Brien, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, Paul Johnson, McKee, Mehegan, Schotanus, Spaulding and Sara Townsend.

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BELKNAP: Brough, Brown, Dexter, Golden, Malcolm Harrington and Jensen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, McIntire, Olimpio, Saunders and Schofield.

CHESHIRE: Burley, Delano, Irvin Gordon, Parker, Ridge, Schwartz and Young.

COOS: Brungot, Coulombe, Guay, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Christy, Driscoll, Easton, McAvoy, Stewart and Whitcomb.

HILLSBOROUGH: Ahrens, August, Barry, Beaupre, Bergeron, Blais, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Charron, Chretien, Cox, Cronin, William Dion, Donovan, Ducharme, Duperron, Dupont, Durant, Clyde Eaton, Fields, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Holden, Humphrey, Hyman, George Jones, Labombarde, Levesque, Lown, Lozeau, McGlynn, Messier, Elizabeth Moore, Newcombe, Nute, Paquette, Paradis, Parmenter, Pellow, Perham, Pressly, Prestipino, Frances Riley, Philip Rodgers, Sallada, Shriver, B. P. Smith, Mary Sullivan, Sylvia, Tamposi, Turgeon, Vanderlosk, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Cate, Daniell, Fraser, George Gordon, Hager, Hayes, Alf Jacobson, C. William Johnson, Arthur Locke, Nichols, Pannell, Doris Riley, Roberts, Gerald R. Smith, Srio and Wallner.

ROCKINGHAM: Bangs, Blanchard, William Boucher, Butler, Lawrence Chase, Day, Ellyson, Emanuelson, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Haynes,

Hoar, Roger King, Longworth, Lovejoy, Mace, Magoon, Malcolm, Robert Mason, McKinney, Newman, Palumbo, Pantelakos, Raynowska, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Seward, Splaine, Stachowske, Tufts, Vartanian, Warburton and Welch.

STRAFFORD: Appleby, Berkey, Chamberlin, Frechette, Keans, Laurion, Lussier, Musler and Parks.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Lindblade and Rodeschin, and reconsideration lost.

Rep. Chardon moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 4:17 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

HOUSE JOURNAL 24

Tuesday, 21 May 85

The House assembled at 2:00 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

From the ocean beaches to the Old Man's mountain perch, You, dear God, have given us an inspiring land. Pleasing also are many buildings of beauty and history. Particularly thankfully we remember the many caring persons of our State.

Help us to be good stewards of all these gifts, that no soil, structure or mind will be lost due to our neglect, but that with Your guidance we will do our best to preserve the natural and human resources given our State. Amen.

House Section No. 1 led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Kohl, Ames, Hyman and Magoon, the day, illness.

Reps. Van Loan, Musler, Joslyn, Clay, Millard, Gilbreth, Scanlan, Woodward, Champagne, Pantzer, Horton, Michael Jones, Hardy, Callaghan, Wood, Mayhew, Jelley, Ralph Torr and Burton, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Dorothy and Leo Jensen, guests of Rep. Olimpio; Mrs. Norman Rogers, wife of Rep. Norman Rogers; Mary Brown, wife of Rep. Brown; Nathalie Sullivan, wife of Rep. Henry Sullivan; Mrs. Ted Daley and Mrs. Carl Plasch, guests of Rep. Lawrence Chase.

Rep. James J. White yielded to a question from Rep. James Chandler.

Rep. James Chandler: Thank you, Mr. Speaker. Rep. White, yesterday the House considered SB 4 to which there was a committee amendment and then you offered a further amendment which was adopted. So that we can clarify this matter, because of the technicality of the amending language, was it your intention to only add material and not delete anything from (sic) the committee amendment off from the bill. Is that correct?

Rep. White: That is correct, Rep. Chandler. Since you have asked me that question I have checked with Legislative Services and they said that I am accurate. All we did was add to the existing bill.

Rep. Chandler: Thank you very much.

OPINION OF THE JUSTICES

The following resolution, House Resolution Number 30, requesting an opinion of the justices, was adopted by the House of Representatives on April 18, 1985, and filed with the Supreme Court on April 19, 1985:

"WHEREAS, the House of Representatives has before it HB 400, An Act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987; and

"WHEREAS, questions have been raised as to the constitutionality of certain provisions of HB 400 in light of the recent adoption of Article 18-a of Part II of the New Hampshire Constitution which prohibits certain types of provisions in any budget bill; and

"WHEREAS, the House of Representatives is scheduled to act on HB 400 in the near future, but will have an opportunity to act again on HB 400 after HB 400 has gone through the legislative process in the Senate; and

"WHEREAS, there is an urgent need to resolve the questions concerning the constitutionality of HB 400 in the most expeditious manner possible; now, therefore, be it

"RESOLVED by the House of Representatives: "That the Supreme Court is respectfully requested to give their opinion upon and answer the following questions as soon as it may be possible:

"1. Do any of the provisions after section one of HB 400 violate Article 18-a, Part II or any other provision of the New Hampshire Constitution?

"2. If the answer to question 1 is in the affirmative, which provisions do violate the Constitution?

"That the clerk of the House transmit copies of this resolution and HB 400 to the Justices of the New Hampshire Supreme Court."

The following answer was returned:

To the House of Representatives

The undersigned justices of the supreme court reply as follows to the questions contained in your resolution of April 18, 1985, filed with this court on April 19, 1985. Interested parties were permitted to submit memoranda to the Court until April 30, 1985.

A chart prepared by the Research Division of the Office of Legislative Services illustrates the increasing use of budget sections and appears as an Appendix to this opinion.

As one memorandum submitted to us observed:

"The practice of adding footnotes really began in the early 1970's. Then Governor Thomson exercised the Gubernatorial veto much more frequently than previous chief executives, and threatened its use even more often. The result was that legislators who wanted to avoid that veto began attaching their bills as amendments or footnotes to the operating budget. By attaching some that the Governor wanted along with others the Governor did not want and probably would have vetoed, the Governor was forced to accept the whole package or nothing. By adding the footnotes the legislature gave themselves bargaining chips with which to negotiate with the Governor. Because the leadership in the House and Senate controlled the Committee of Conference on the budget, the negotiating was done behind closed doors without the input of the non-leadership representatives or the public. The representatives also faced an all or nothing choice when the Conference Committee report came back to the floor at the end of the legislative session."

Memorandum of Common Cause/New Hampshire at 4.

Resolution 60, introduced in the 1984 Constitutional Convention, sought to address dissatisfaction with this practice of effectuating changes to general statutory law in budget footnotes. On June 26, 1984, the Legislative Department Committee reported the resolution out by a 12 to 8 vote, recommending that it was inexpedient to amend the constitution as proposed. Journal of Constitutional Convention 299 (1984). The minority report offered an amended version of Resolution 60 with the following comment:

"This resolution would prevent infamous footnotes which have appeared in increasing numbers in recent years. These footnotes have enacted midnight department head pay raises, unconstitutional minimum business profits taxes, Sunday dog racing in Seabrook contrary to the town's wishes and other such legislation." Id.

Delegate Jacobson, in support of the minority report, stated:

First of all, I think it is important to remember that there are two kinds of footnotes or sections. One kind is fiscal in character. It is financial management of the budget entries. That kind, which constitutes the majority of the sections, is not touched in this proposal. The footnotes that are touched are those that amend, repeal or enact statutory law."

Id. at 302. Delegate Tamposi, also a legislator, observed:

"Unless we address and stop these abuses today, they will never be addressed by the Legislature, because as a legislator, I can tell you that they are tooled to our advantage. They are something that expedites the process, and we will never, never, I submit to you, we will never close those loopholes, and we will never reform ourselves, because they are used to our advantage."

Id. at 304.

By a vote of 301 to 34, the Constitutional Convention voted to submit part II, article 18-a to the voters. Journal of Constitutional Convention 310 (1984). By a vote of 262, 408 to 62,030, on November 6, 1984, an 80.8% popular approval, the voters approved article 18-a in the following form:

"(Budget Bills.) All sections of all budget bills before the general court shall contain only the operating and capital expenses for the executive, legislative and judicial branches of government. No section or footnote of any such budget bill shall contain any provision which establishes, amends or repeals statutory law, other than provisions establishing, amending or repealing operating and capital expenses for the executive, legislative and judicial branches of government."

The House of Representatives now asks us whether, in light of article 18-a, any provisions of House Bill 400, the budget act, after section 1, are in contravention of the "no footnote" amendment to the constitution. We answer in the affirmative. To avoid an excessively long opinion, we will not quote, verbatim, the 26 pages of footnotes or sections appearing in House Bill 400 and the 6 pages of amended sections, as filed with this court.

Many of the items in House Bill 400 are unobjectionable under article 18-a in that they are "provisions establishing, amending or repealing operating and capital expenses" for the three branches of government. In other words, they "explain the text of the appropriations and operating expenses" or constitute "financial management of budget entries," without effectuating any changes to general statutory law. See Journal of Constitutional Convention 302 (Comments of Del. Jacobson) (financial management of budget entries not touched by the proposal) (1984); id. at 303 (comments of Del. Chase) (any addition to the budget which explains the budget and describes the use of the money, the controls of the money and things of that sort is permitted); id. at 354 (comments of Del. Hall) (footnotes that explain the text of the appropriations and operating expenses are permitted). For example, section 2 explains the funding of a certain Program Appropriation Unit; section 18 abolishes a number of budgeted positions in the classified service; and section 38 permits the transfer of unappropriated general fund surplus to the unappropriated fish and game fund surplus.

In addition, article 18-a is not offended by the use of budget sections to attach certain conditions to expenditures or to make fiscal events contingent upon certain happenings, so long as those sections do not effectuate a change in general statutory law. For instance, section 8 provides for emergency appropriations in the event that the replacement of a motor vehicle becomes necessary. And, in section 36, a number of guard positions at the State prison are made contingent upon the inmate population. Different spending levels are authorized if the inmate count rises from 575 to 600.

Although the above sections are clearly permitted by article 18-a, there are a number of sections that are prohibited by that provision. Before addressing those sections, however, we must decide, as a preliminary matter, whether the convention delegates and voters of this State, in using the phrase "establish, repeal or amend," intended that certain sections or footnotes escape the mandates of article 18-a by effectuating changes to general statutory law by the use of language such as "waives," "suspends" and "notwithstanding any other provisions of law."

As more fully discussed below, a review of House Bill 400 reveals that although a number of its sections displace or make changes to existing laws, virtually no section makes such a change by providing for the express "establishment," "repeal" or "amendment" of general statutory law. Rather, many of the sections provide for the suspension of certain revised statutes, or premise their contents with the phrase, "notwithstanding any other provisions of law." Hence, we must determine whether article 18-a encompasses those sections.

"In construing the Constitution, as in the case of any other writing, 'it is the duty of the court to place itself as nearly as possible in the situation of the parties at the time the instrument was made, that it may gather their intention from the language used, viewed in the light of the surrounding circumstances.'" Attorney-General v. Morin, 93 N.H. 40, 43, 35 A.2d 513, 514 (1943) (quoting Weed v. Woods, 71 N.H. 581, 583, 53 A. 1024, 1025-26 (1902) (emphasis added)). We often have referred to the history of a constitutional amendment in interpreting its meaning. See Opinion of the Justices, 121, N.H. 429, 432, 430 A.2d 188, 190 (1981); see also Appeal of Omni Communications, Inc., 122 N.H. 860, 861-62, 451 A.2d 1289, 1290 (1982). In construing the constitutional amendment at issue, we will look to its purpose and intent, bearing in mind that we will give the words in question the meaning they must be presumed to have had to the electorate when the vote was cast. See Opinion of the Justices, 101 N.H. 541, 542, 133 A.2d 790, 792 (1957); see also Smith v. State, 118 N.H. 764, 768, 394 A.2d 834, 838 (1978).

A review of the history of article 18-a makes clear that the constitutional amendment was proposed to prohibit footnotes

or sections altering general statutory law from being inserted into budget bills. See, e.g., Journal of Constitutional Convention 299-300 (comments of Del. Phelps) (footnotes which "change" general statutory law have no place in the budget bill; items that "alter" statutory law have to go through the legislative process) (1984); id. at 303 (comments of Del. Chase) (method of attaching footnotes that "change" statutes, "make" new departments or do things of this kind, sidesteps legislative review); id. at 354 (comments of Del. Hall) (amendment will prevent footnotes that "change" statutory law). It is clear that the delegates and the voters of this State intended to prohibit amendments or enactments of general statutory law by means of footnotes or sections in the budget bill. Hence, to the extent that the content of a budget section or footnote effectuates a change in general statutory law, that section or footnote would appear to violate article 18-a.

Although the terms "suspend" and "repeal" are not synonymous, see King v. Sununu, 126 N.H. , , A.2d , (decided March 27, 1985), as noted by Delegate LaMott, a suspension is, in essence, the repeal of a law for a time certain. Journal of Constitutional Convention 308 (1984). In fact, when asked, specifically, whether article 18-a would permit changes to statutory law by use of the terms "suspension" or "notwithstanding any other provision of law," Delegate LaMott answered in the negative. See id. We conclude that when a budget footnote or section alters the normal effect of a general statute, regardless of whether the section expressly "establishes," "amends" or "repeals" a statute, the section or footnote will be deemed to have effectuated a change in general statutory law within the meaning of article 18-a. Consequently, such a change will be deemed to have no legal effect. However, such a change may be effected by legislation separate from the budget bill.

With respect to the use of the phrase "notwithstanding any other provision of law," it is clear that the use of such a phrase, in and of itself, does not render a section or footnote violative of article 18-a. To the extent that a footnote or section containing this phrase relates solely to an expenditure or fiscal matter, it will be valid. However, the result must be otherwise if there is a conflicting provision of general statutory law, whether or not that provision is identified, or if there is no current statute, but the section or footnote would establish new general statutory law. In these cases, the section or footnote will either establish, amend or repeal general statutory law, in violation of article 18-a.

To illustrate the problem, section 17, II states, in pertinent part: "Notwithstanding any other provision of law, the state treasurer shall transfer . . . all moneys deposited into the sweepstakes fund . . . to the department of education PAU 06,03,02,01" Although that section makes no specific reference to RSA 284:21-j

(Supp. 1983), it is clear that the section suspends, for the biennium, the distribution of sweepstakes revenues in the manner provided by RSA 284:21-j (Supp. 1983). See King v. Sununu, 126 N.H. _____, _____, A.2d _____, (decided March 27, 1985).

Accordingly, section 17, II violates the provisions of article 18-a.

To the extent that certain other sections enact, modify, suspend or displace a general statutory provision, they too are violative of article 18-a. Section 3 of House Bill 400 suspends the millage formula provided by RSA 187-A:7 (Supp. 1983). This constitutes a constructive repeal of the statute for the biennium and therefore violates article 18-a. A similar result occurs with the provisions of section 6 (RSA 282:2; RSA 284:23 (1977 & Supp. 1983); RSA 284:25 and RSA 284:25-a suspended for the biennium).

Succeeding sections present further problems: section 7 (appearing to enact a general statute as well as to amend RSA 21-I:11, II (Supp. 1983)); section 9 (RSA 186-B:9 to :15 (1977 & Supp. 1983) limited in application for the biennium); section 12 (RSA 188-F:15 (Supp. 1983) procedure altered for setting tuition); section 15 (RSA 9:25 suspended for the biennium); section 25 (notwithstanding provisions of RSA 178-A:21, II (Supp. 1983)); section 27 (notwithstanding RSA 4:40 (Supp. 1983) and RSA 10:4 (Supp. 1983)); section 29 (notwithstanding RSA 167:18-b); section 30 (RSA 167:7 (Supp. 1983) suspended for the biennium); section 31 (RSA 167:8 suspended for the biennium); section 32 (RSA 167:5 suspended for the biennium); section 33 (waives provisions of RSA 124:14 (Supp. 1983)); section 35 (notwithstanding RSA 99:4 and RSA 9:17-a to :17-c (1970 & Supp. 1983)); and section 45 (changes RSA 14:27-b).

There are two other areas worth noting. Sections 26 and 37 authorize bond issues. These sections do not conflict with article 18-a. As for section 21, this is duplicative of standing statutory law and need not be re-enacted with every budget. See RSA 490:2, VI; RSA 491:2, VI and RSA 502-A:6-a, VI (Supp. 1983).

Thorough research and more time would be necessary to clarify whether a statute conflicts with the provisions of sections 20 and 28, although they appear to be in accord with article 18-a. Section 23, however, appears to establish a new general rule that would otherwise be a statute and thus is prohibited by article 18-a.

With regard to the amendments to House Bill 400 contained in the House Record for April 19, 1985, we see no problem with section 19 as amended, but whether it conflicts with any statute is not self-evident. Sections 42 and 43 are appropriation items keyed to a possible loss of federal funding and are permitted.

The State employees' pay raise contained in section 44 of House Bill 400 as amended requires the amendment of tables in RSA 94:1-a (Supp. 1983), RSA 99:1-a (Supp. 1983) and RSA 491-A:1. This provision conflicts with article 18-a because it "amends . . . statutory law," and, therefore, cannot be part of the budget bill. Sections 40-41 and

46-47 are in accord with article 18-a as are any provisions of House Bill 400 which are not otherwise dealt with above.

Before concluding we wish to note that your questions are broad enough to seek our opinion on the applicability of every provision of the Constitution to every budget footnote or section. To give such a comprehensive opinion would be impossible within the time that any answer would be helpful to you. Since we understand from your questions that your primary concern is with the applicability of article 18-a, we have confined our opinion to the effect of that article. We therefore respectfully request to be excused from commenting on the possible applicability of other constitutional provisions as a part of this opinion. We must also note that within reasonable time limits there is no practical method to review the provisions of every general statute for possible conflict with proposed footnotes or sections. Our preceding opinion therefore reflects the best review of the general law that we have been able to make in the time available to us. We cannot, however, guarantee that we have been able to address every possible issue that may be raised under article 18-a.

John W. King
Charles G. Douglas, III
David A. Brock
William F. Batchelder
David H. Souter

SENATE MESSAGES CONCURRENCE

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor.

HB 55-FN, authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor.

HB 427-FN, increasing the per diem for members of the public employee labor relations board.

HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor.

HB 355, to acquire abandoned railroad lines and making an appropriation therefor.

HB 259, providing an evaluation of State Route 101A corridor in the Nashua region and making an appropriation therefor.

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester.

HB 774, relative to fighting forest and brush fires on federal land.

HB 485-FN, relative to the number plate fund.

HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year.

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 233-FN, to fund the acquisition of agricultural land development rights and making an appropriation therefor.

REFERRED FOR INTERIM STUDY

HB 456-FN, relative to a forgivable loan program and making an appropriation therefor.

HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education.

NONCONCURRENCE

HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, any excess to be lapsed into the highway fund.

HB 218-FN, reimbursing the town of Nottingham for fire fighting expenses in the Pawtuckaway state park and making an appropriation therefor.

HCN 10, expressing the intent of the legislature to enact the state operating budget annually.

HB 374-FN, making a supplemental appropriation to distribute sweepstakes funds received in excess of the original estimate.

HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program.

HB 352-FN, authorizing the office of state planning to undertake a study of the coastline erosion problems and making an appropriation therefor.

HB 480-FN, creating the north country development foundation.

HB 297-FN, relative to a supplemental appropriation to the special railroad fund and making the debt service on the railroads improvement bond a charge against the general fund.

CONCURRENCE WITH AMENDMENTS

SB 136, relative to the reinstatement of Sports Programs, Inc.

SB 126, relative to investing the moneys in the water fowl conservation account by the state treasurer.

SB 211, relative to the road toll statute.

SB 30, relative to regulatory boards and commissions.

SB 139, relative to industrial development revenue bonds.

NONCONCURRENCE WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances.

The President appointed Sens. Freese, Boyer and Wiggins.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Sytek, C. William Johnson, Sylvia and Daniel Eaton.

SB 52-FN, establishing an advisory committee on rules of evidence.

The President appointed Sens. Hounsell, Boyer and Roberge.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Francis Robinson, Sylvia, Sytek and Daniel Eaton.

SB 170, enabling the liquor commission to lease space in its stores for placing automatic teller machines.

The President appointed Sens. Heath, Blaisdell and Bond.

Rep. Kenneth MacDonald moved that the House accede.

Adopted.

The Chair appointed Reps. Phelps, Simon, Nagel and Gagnon.

SB 118-FN, relative to timely filing of returns under the meals and rooms tax.

The President appointed Sens. Heath, Preston and McLane.

Rep. Tamposi moved that the House accede. Adopted.

The Chair appointed Reps. Durant, Hayes, Sallada and Ahrens.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 532, relative to the judicial retirement system and judicial compensation. (Amendment printed SJ 5/20)

Rep. Kidder moved that the House nonconcur.

Adopted.

REQUESTS COMMITTEE OF CONFERENCE

SB 143-FN, relative to mandatory sentences for driving while intoxicated.

The President appointed Sens. Podles, Charbonneau and Boyer.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Thomas Gage, Sylvia, Lozeau and Raiche.

SB 134, relative to highways to public waters.

The President appointed Sens. Wiggins, Preston and Hounsell.

Rep. Bibbo moved that the House accede. Adopted.

The Chair appointed Reps. Bibbo, James Chandler, Marsh and Murphy.

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions.

The President appointed Sens. Freese, Preston and Bond.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Sytek, Fraser, Francis Robinson and Zis.

SB 198, relative to the adoption statutes.

The President appointed Sens. McLane, Boyer and Griffin.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Chretien, Lown, Hollingworth and Raiche.

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.

The President appointed Sens. Preston, Hounsell and Wiggins.

Rep. Meader moved that the House accede. Adopted.

The Chair appointed Reps. Chardon, James Whittemore, Blair and Schwartz.

SB 209, relative to raffles.

The President appointed Sens. Heath, McLane and Blaisdell.

Rep. Kenneth MacDonald moved that the House accede.

Adopted.

The Chair appointed Reps. Thompson, Blaisdell, Burley and D'Amante.

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding.

The President appointed Sens. Preston, Chandler and Charbonneau.

Rep. Sytek moved that the House accede. Adopted.

The Chair appointed Reps. Sylvia, Sytek, Daniel Eaton and Raiche.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas. (Amendment printed SJ 5/16)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Marilyn Campbell, Malcolm Harrington and Donovan.

HB 283, continuing nursing home cost incentive programs. (Amendment printed SJ 5/16)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Carragher, Hager and Copenhaver.

HB 792, relative to electing delegates to state party conventions. (Amendment printed SJ 5/16)

Rep. Joseph Eaton moved that the House nonconcur.

Adopted.

HB 704, requiring the state treasurer to report annually to the legislature about early debt redemption. (Amendment printed SJ 5/14)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ramsay, Gross, Franklin Torr and Howard Townsend.

HB 505, relative to the office of ombudsman within the state council on aging. (Amendment printed SJ 5/7)

Rep. Scamman moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emma Wheeler, Geraldine Watson, Parker and Bourque.

HB 23, relative to penalties for violations in connection with the taking of marine species. (Amendment printed SJ 5/15)

Rep. Doris Riley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pantelakos, Jensen, Albert Dionne and Crane.

HB 241, eliminating the hydro-energy power promotion functions of the water resources board. (Amendment printed SJ 5/14)

Rep. Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, James Whittemore, Vaughn and Blanchard.

HB 466, relative to highway billboards, off and on premise signs. (Amendment printed SJ 5/16)

Rep. Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Bardsley and Seward.

HB 575, relative to administrative procedures and state and local government corporation. (Amendment printed SJ 4/4)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mace, Nancy Ford, Schwaner and Wayne King.

HB 373, relative to terms of appointment and administratively attached agencies. (Amendment printed SJ 5/14)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Ann Torr, Harold Watson and Parmenter.

HB 305-FN, authorizing the barbering and cosmetology board to set fines. (Amendment printed SJ 5/15)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Mace, Ward and Russell.

HB 698, relative to court administration. (Amendment printed SJ 5/16)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, William Johnson, Francis Robinson and Daniel Eaton.

HB 45, relative to licenses issued by the department of fish and game. (Amendment printed SJ 5/16)

Rep. Doris Riley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Felch, Lewis, Cate and Theriault.

HB 87, providing the legislative budget assistant with access to certain records. (Amendment printed SJ 5/15)

Rep. James Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. James Chandler, Ahrens, Harold Watson and Chris Jacobson.

HB 589, relative to agricultural activities and municipal planning and zoning powers. (Amendment printed SJ 5/16)

Rep. Mann moved that the House concur.

Adopted.

HB 544, relative to water improvement bonds issued by the city of Rochester. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House concur.

Adopted.

HB 104-FN, relative to sunset review of the pari-mutuel commission. (Amendment printed SJ 5/14)

Rep. Kenneth MacDonald moved that the House concur.

Adopted.

HB 46, relative to sealing and certifying ballots. (Amendment printed SJ 5/14)

Rep. Joseph Eaton moved that the House concur.

Adopted.

HB 42, to amend the reckless driving statutes. (Amendment printed SJ 5/15)

Rep. Irvin Gordon moved that the House concur.

Adopted.

HB 735-FN, relative to state initiatives for child support enforcement. (Amendment printed SJ 5/14)

Rep. Scamman moved that the House concur.

Adopted.

HB 769, relative to solar energy. (Amendment printed SJ 5/14)

Rep. M. Arnold Wight moved that the House concur.

Adopted.

HB 397-FN, establishing a commission to study the recodification of state laws on municipalities. (Amendment printed SJ 5/15)

Rep. Mann moved that the House concur.

Adopted.

HB 536, providing that the property tax exemption for the blind be computed without regard to whether property is assessed at its true and market value. (Amendment printed SJ 5/7)

Rep. Mann moved that the House concur.

Adopted.

HB 740, recodifying the historic preservation statutes. (Amendment printed SJ 5/16)

Rep. Meader moved that the House concur.

Adopted.

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program. (Amendment printed SJ 5/16)

Rep. Meader moved that the House concur.

Adopted.

HB 658-FN, relative to private security agencies. (Amendment printed SJ 5/14)

Rep. Benton moved that the House concur.

Adopted.

HB 692-FN, relative to contribution rates for unemployment compensation. (Amendment printed SJ 5/15)

Rep. Skinner moved that the House concur.

Adopted.

HB 519, establishing an acid rain control act. (Amendment printed SJ 5/14)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 528, requiring the consideration of noise levels in energy facility siting decisions. (Amendment printed SJ 5/15)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 349-FN, relative to educationally related services. (Amendment printed SJ 5/14)

Rep. William Boucher moved that the House concur.

Adopted.

HB 446-FN, relative to catastrophic aid to school districts. (Amendment printed SJ 5/14)

Rep. William Boucher moved that the House concur.

Adopted.

HB 666-FN, relative to school district budgets. (Amendment printed SJ 5/14)

Rep. William Boucher moved that the House concur.

Adopted.

HB 84, relative to clarification of certain terms concerning special education children. (Amendment printed SJ 5/14)

Rep. William Boucher moved that the House concur.

Adopted.

HB 586, relative to a technical amendment of the Uniform Securities Act. (Amendment printed SJ 5/15)

Rep. Sytek moved that the House concur.

Adopted.

HB 723, relative to non-profit health service corporations. (Amendment printed SJ 5/15)

Rep. Quimby moved that the House concur.

Adopted.

HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor. (Amendment printed SJ 5/20)
Rep. Ward moved that the House concur.
Adopted.

HB 180, establishing a department of justice. (Amendment printed SJs 5/14 and 5/20)
Rep. Ward moved that the House concur.
Adopted.

HB 436, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor. (Amendment printed SJ 5/20)
Rep. Bibbo moved that the House concur.
Adopted.

HB 445, appropriating funds for local probation services and relative to the duties of the select commission to study a unified court system. (Amendment printed SJ 5/20)
Rep. Sytek moved that the House concur.
Adopted.

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor. (Amendment printed SJ 5/20)
Rep. Meader moved that the House concur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Miller, LaMott, Chambers and Meader.

HB 184-FN, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters. (Amendment printed SJ 5/20)
Rep. Doris Riley moved that the House concur.
Adopted.

HB 539, relative to the protection of sand dunes. (Amendment printed SJ 5/16)
Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Elizabeth Greene, Sherburne, Anderson and O'Brien.

HB 434, relative to missing children and making an appropriation therefor. (Amendment printed SJ 5/16 and 5/20)
Rep. Scamman moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bean, Hager, Newman and Hollingworth.

HB 126-FN, relative to sunset review of state office administration. (Amendment printed SJ 5/20)
Rep. Scamman moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Emma Wheeler, Tufts, Moore and Bourque.

HB 734, relative to child support enforcement. (Amendment printed SJ 5/14)
Rep. Scamman moved that the House concur.
Adopted.

HB 232-FN, relative to adopting the federal boat numbering system. (Amendment printed SJ 5/14)
Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Pearson, Sloan, Stewart and Lamontagne.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike. (Amendment printed SJ 5/20)
Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bibbo, James J. White, Gene Chandler and Levesque.

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the Town of Raymond and making an appropriation therefor. (Amendment printed SJ 5/20)
Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bibbo, Nute, Ashnault and Chris Jacobson.

HB 296, relative to the disorderly conduct law. (Amendment printed SJ 5/20)
Rep. Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Francis Robinson, Sylvia, Cote and Hollingworth.

HB 257, relative to the restoration and rehabilitation of Tip Top House on Mount Washington. (Amendment printed SJ 5/20)
Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Bibbo, James Chandler, Norman Rogers and Disnard.

HB 170-FN, appropriating the proceeds of the sale of certain state prison property. (Amendment printed SJ 5/20)
Rep. Kidder moved that the House concur.
Adopted.

HB 677, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act. (Amendment printed SJ 5/20)
Rep. Sytek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Sytek, Alf Jacobson, Lozeau and Cote.

HB 708, relative to the indigent defense program and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Geraldine Watson, C. William Johnson and Raiche.

HB 261, relative to out-of-state back-up ambulance services. (Amendment printed SJ 5/14)

Rep. Sochalski moved that the House concur.

Adopted.

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Sytek moved that the House concur.

Adopted.

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Benton moved that the House concur.

Adopted.

HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House concur.

Adopted.

HB 697-FN, relative to courts and court procedure. (Amendment printed SJ 5/2)

Rep. Sytek moved that the House concur.

Adopted.

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Quimby moved that the House concur.

Adopted.

HB 517-FN, relative to forfeiture of items used in connection with drug offenses. (Amendment printed SJ 5/15)

Rep. Sytek moved that the House concur.

Adopted.

HB 163, relative to closure of food service establishments. (Amendment printed SJ 5/15)

Rep. Sochalski moved that the House concur.

Adopted.

HB 476-FN, relative to the health services competition law and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Sochalski moved that the House concur.

Adopted.

HB 630, relative to workers' compensation for call firemen, special duty

police officers, and members of the general court. (Amendment printed SJ 5/15 and 5/20)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Hawkins, Warburton and Burkush.

HB 756, relative to the hazardous waste cleanup fund. (Amendment printed SJ 5/20)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bowler, Peवार, Schotanus and Popov.

HB 333, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks. (Amendment printed SJ 5/20)

Rep. Mann moved that the House concur.

Adopted.

HB 545, authorizing the city of Rochester to issue revenue bonds and relative to revenue bonds. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House concur.

Adopted.

HB 632, establishing a printed materials revolving fund at the department of education. (Amendment printed SJ 5/16)

Rep. William Boucher moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. LaMott, Scranton, Matson and Laurent Boucher.

REQUESTS COMMITTEE OF CONFERENCE

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions.

The President appointed Sens. Podles, Freese and Preston.

Rep. Mann moved that the House accede.

Adopted.

The Speaker appointed Reps. Perry, Roger King, McIntire and Cronin.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 600, making appropriations for capital improvements. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bibbo, Walter, James J. White and Kincaid.

HB 498, relative to the dam maintenance fund and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Woodward, Dickinson, James Whittemore and Blanchard.

HB 369, relative to maintaining the Old Man of the Mountain and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Meader moved that the House concur. Adopted.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Sochalski, Krasker, Fraser and Carragher.

HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor. (Amendment printed SJ 5/16)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Sochalski, Carragher, Hager and Copenhaver.

HB 307-FN, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985. (Amendment printed SJ 5/20)

Rep. Kidder moved that the House concur. Adopted.

REQUESTS COMMITTEE OF CONFERENCE

SB 145, relative to the regulation of mortgage companies.

The President appointed Sens.

Charbonneau, Stabile and Stephen.

Rep. Quimby moved that the House accede. Adopted.

The Speaker appointed Reps. Quimby, Lindblade, Bonnie Packard and Lamy.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 486-FN, authorizing the board of governors to lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties. (Amendment printed SJ 5/20)

Rep. William Boucher moved that the House concur. Adopted.

REQUESTS COMMITTEE OF CONFERENCE

SB 102, relative to the fiscal committee. The President appointed Sens. White, Bond and Stephen.

Rep. Kidder moved that the House accede. Adopted.

The Speaker appointed Reps. Kidder, Scranton, LaMott and Matson.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 787-FN, relative to retirement. (Amendment printed SJ 5/20)

Rep. Ward moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Ward, Richard Campbell, Ramsay and Pelley.

HB 443-FN, establishing the central interagency motorpool study committee. (Amendment printed SJ 5/30)

Rep. Ward moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Bennett, Hutchings, LaMott and Russell.

HB 288, relative to the duties and responsibilities of the department of administrative services. (Amendment printed SJ 5/16)

Rep. Ward moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Ward, Russell, McCain and Densmore.

HB 612, relative to the administration of the alcohol education program. (Amendment printed SJ 5/20)

Rep. Sytek moved that the House concur. Adopted.

HB 383-FN, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction. (Amendment printed SJ 5/20)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Scranton, Michael King, Ellen-Ann Robinson and Miller.

HB 694, relative to welfare changes and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Sochalski, Wagner, Fraser and Copenhaver.

HB 725, relative to fees of law enforcement officers and judgments and executions. (Amendment printed SJ 5/20)

Rep. Sytek moved that the House concur. Adopted.

HB 124-FN, relative to sunset review of aeronautics commission administration and support. (Amendment printed SJ 5/14)

Rep. Irvin Gordon moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Labombarde, Emanuelson, Turgeon and Irvin Gordon.

REQUESTS COMMITTEE OF CONFERENCE

SB 108-FN, relative to administrative attachment of occupational and professional licensing boards.

The President appointed Sens. Dupont, Freese and St. Jean.

Rep. Ward moved that the House accede. Adopted.

The Speaker appointed Reps. Ward, Robert Holmes, Mace and Patricia Russell.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 173-FN, establishing and making an appropriation for the New Hampshire bicentennial commission on the United States Constitution.

Rep. Kidder moved that the House concur. Adopted.

ACCEDES REQUEST FOR
COMMITTEE OF CONFERENCE

HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws.

The President appointed Sens. Freese, Blaisdell and Stabile.

HB 302-FN, provisionally increasing the tobacco tax.

The President appointed Sens. Heath, Bond, Blaisdell.

HB 112-FN, relative to sunset review of port authority.

The President appointed Sens. Preston, Griffin and Hounsell.

HB 579, relative to regulation of manufactured housing parks.

The President appointed Sens. Podles, Stephen and Dupont.

HB 64, limiting the liability of persons aiding crime victims.

The President appointed Sens. Chandler, Charbonneau and Lessard.

HB 619-FN, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

The President appointed Sens. Heath, Freese and Blaisdell.

HB 428-FN, relative to mortgage home loans.

The President appointed Sens. Stabile, Charbonneau and Stephen.

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants.

The President appointed Sens. Freese, Charbonneau and Blaisdell.

HB 318, relative to mortgage escrow accounts.

The President appointed Sens. Charbonneau, Podles and Preston.

HB 148-FN, relative to sunset review of industrial development authority.

The President appointed Sens. Charbonneau, Bartlett and Stephen.

NONCONCURRENCE WITH AMENDMENTS

SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system.

SB 132-FN, authorizing the water supply and pollution control commission to purchase liability insurance and to engage in disinfection research.

CONCURRENCE WITH AMENDMENTS

SB 117, establishing an annual commemorative rifle lottery.

SB 1-FN, relative to the settlement laws.

SB 197-FN, making appropriations to the sire stakes program.

SB 200, establishing a department of transportation.

SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities.

CONCURRENCE

HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court.

REQUESTS COMMITTEE OF CONFERENCE

SB 130-FN, providing for a moose hunting season.

The President appointed Sens. Wiggins, Preston and Freese.

Rep. Doris Riley moved that the House accede.

Adopted.

The Speaker appointed Reps. Hussey, Doris Riley, Perham and Powers.

ENROLLED BILL AMENDMENT

HB 208, relative to penalties for violations of the planning and zoning statutes.

Amendment

Amend RSA 676:17, I(b)(1) as inserted by section 4 of the bill by striking out line 2 and inserting in place thereof the following:

person; or

Amend section 5 of the bill by striking out line one and inserting in place thereof the following:

5 Effective Date. This act shall take effect January 1, 1986, at 12:01 a.m.

This amendment corrects a grammatical error in the bill which would make a certain criminal penalty both a misdemeanor and a felony. The amendment also changes the time of the effective date from January 1, 1986, to January 1, 1986, 12:01 a.m., because HB

96 (Chapter 103) also amends RSA 676:17 effective January 1, 1986.

Adopted.

SENATE MESSAGES
NONCONCURRENCE WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 221, relative to the Upham-Walker house.

The President appointed Sens. White, Stephen and Freese.

Rep. James Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. James Chandler, Rounds, Harold Burns and Krasker.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30 1986, and June 30, 1987. (Amendment printed SJ 5/20)

Reps. Rounds and Chambers moved that the House nonconcur and request a Committee of Conference.

Reps. Chambers and Rounds spoke in favor of the motion.

Reps. Tampusi and Scamman spoke in favor of the motion and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 302 NAYS 31

YEAS 302

BELKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Marsh, Ottolini, Theriault and York.

CRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Denmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Beaupre, Bergeron, Blais, Lionel Boucher, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Chagnon, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Ducharme, Dupont, Durand, Dwyer, Dykstra,

Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Herod, Holden, Humphrey, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Lown, Lozeau, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Pellow, Perham, Pressly, Raiche, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Steiner, Stonner, Mary Sullivan, Sylvia, Tampusi, Turgeon, Wagner, Geraldine Watson, Harold Watson, Frank Whittemore, M. Arnold Wight, Winn, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, James Chandler, Connolly, Fraser, Gross, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Gerald Smith, Wallner and West.

ROCKINGHAM: Benton, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Connors, Conroy, Day, Ellyson, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Malcolm, Robert Mason, McCain, McKinney, Benjamin Moore, Nagel, Newman, Pantelakos, Parr, Pevear, Popov, Quimby, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian, Vaughn, Walker, Warburton and Welch.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Dismard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 31

BELKNAP: Brough, Dexter and Matthew Locke.

CARROLL: Olimpio.

CHESHIRE: Burley, Morse and Ridge.

COOS: Brungot.

CRAFTON: McAvoy.

HILLSBOROUGH: Bourdon, Charron, Duperron, Hogan, Labombarde, Levesque, Prestipino, B. P. Smith, Vanderlosk, Varkas, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Daniell, Arthur Locke, Stio and James Whittemore.

ROCKINGHAM: Emanuelson, Palumbo, Raynowska and Schwaner.

STRAFFORD: Appleby.

SULLIVAN: Ingram, and the motion was adopted.

The Speaker appointed Reps. Tucker, Kidder, LaMott, Scranton and Ramsay.
(Alternates: Reps. Rounds and Chambers)

VETO MESSAGE ON HB 47

To all members of the General Court

I cannot support HB 47 as currently written. As we all know, a great deal of debate over this legislation has occurred in the past few months. During that period I have tried to indicate my concern that legislation as important as this must create significantly more benefits than the difficulties or problems it could cause.

In my veto of similar legislation two years ago, I outlined some of my concerns. I have tried to clarify my concerns in numerous discussions with many of the House and Senate members who support this legislation. I am very appreciative of the time that those members gave in trying to develop an understanding of the difficulties involved. Unfortunately, this bill retains the basic structure of previous legislation, and the changes it includes are clarifications, but not fundamental improvements.

I realize how important such legislation is to many of you, and to many of our citizens. However, because it is important it ought to be right. Therefore, I must veto this present bill.

I realize an issue such as this should be as free from politics as possible and that for many of you this is a crucial and personal decision. Therefore, as I have understood the votes you have cast in sending this legislation to my desk and I will understand any votes to override, I hope you will appreciate and understand the consideration and thought I have given this issue prior to vetoing this bill.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 47 pass.

Rep. Daniell spoke in favor of overriding the veto.

Rep. Roberts spoke against overriding the veto.

Rep. Guay spoke against overriding the veto and yielded to questions.

Rep. Francis Robinson spoke in favor of overriding the veto and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 285 NAYS 55

YEAS 285

BELKNAP: Birch, Bowler, Brough, Brown, Richard Campbell, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Olimpio, Powers and Schofield.

CHESHIRE: Blacketor, Burley, Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, Secord, Thompson and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Frederic Foss, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Stewart, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Bass, Bergeron, Blais, Lionel Boucher, Bourque, Boutwell, Burkush, Carragher, Charron, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Ducharme, Duperron, Dupont, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Nancy Ford, Fried, Scott Green, Marian Harrington, Hendrick, Hogan, Holden, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Sylvia, Vanderloos, Wagner, Geraldine Watson, Harold Watson, Frank Whittemore, M. Arnold Wight, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailier, Cate, James Chandler, Connolly, Daniell, Fraser, Gross, Hager, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Lewis, Nichols, Pannell, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Gerald R. Smith, Wallner and West.

ROCKINGHAM: Benton, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Ellyson, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiore, Phyllis Katsakiore, Roger King, Krasker, Lovejoy, Mace, Malcolm, Robert Mason, McCain, McKinney, Nagel, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian, Vaughn, Walker and Warburton.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Parks, Pelley,

Francis Robinson, Spear, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 55

BELKNAP: Bolduc, Dexter, Golden, Jensen and Matthew Locke.

CARROLL: None.

CHESHIRE: Delano and Elmer Johnson.

COOS: Brungot, Coulombe, Guay and Lamontagne.

CRAFTON: McAvoy and Howard Townsend.

HILLSBOROUGH: August, Beaupre, Bourdon, Bridgewater, John Burns, Leslie Burns, Chagnon, Chretien, Fields, Gagnon, Healy, Herod, Humphrey, Labombard, Nelson, Norman Packard, Paquette, Paradis, Pariseau, Frances Riley, Tamposi, Turgeon, Varkas, Emma Wheeler, Kenneth Wheeler and Winn.

MERRIMACK: Barberia, Arthur Locke, Roberts, Stio and James Whittemore.

ROCKINGHAM: Blaisdell, Lawrence Chase, Emanuelson, Bert Ford, Kane, Benjamin Moore, Schmidchen, Schwaner and Welch.

STRAFFORD: Swope.

SULLIVAN: Brodeur, and the veto was overridden by the constitutional requirement of two-thirds.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 421, relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. (Amendment printed SJ 5/14 and 5/20)

Rep. William Boucher moved that the House concur.

Adopted.

HB 327, relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House concur.

Adopted.

HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor. (Amendment printed SJ 5/20)

Rep. Bibbo moved that the House concur.

Adopted.

INTRODUCTION OF GUEST

Wang Daohan, Mayor of the Shanghai Municipality.

Rep. Rounds moved that the House now adjourn from the early session, that the

business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 4:45 p.m.

RECESS

CONFEREE CHANGES

HB 106 - Rep. McCain replaces Rep. Schofield

HB 148 - Rep. Diamant replaces Rep. Pantzer

(Rep. Rounds in the Chair)

ENROLLED BILLS REPORT

HB 178, relative to the members of the barbering and cosmetology board.

HB 183, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration.

HB 242, relative to notifying abutters.

HB 253, relative to the Cooperative Alliance for Seacoast Transportations.

HB 254, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 348, establishing term life insurance for any governor.

HB 356, exempting certain transfers between brothers and sisters from New Hampshire's inheritance tax.

HB 359, relative to driver's license revocation appeals.

HB 363, relative to the issuance of bad checks.

HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax.

HB 388, relative to the exemption available for stepchildren and stepparents under the legacy and succession tax.

HB 411, amending the corporate charter of the Laconia airport authority.

HB 414, relative to the purchasing authority of the director, division of plant and property management.

HB 493, relative to aircraft registration.

HB 510, modifying the reporting requirement for certain accounts of deceased persons.

HB 534, relative to expenses incurred by the commissioner of the department of employment security.

HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing.

HB 565, providing for the awarding of attorneys' fees in certain contempt cases.

HB 577, repealing the interstate commerce exemption from the consumer protection act.

HB 578, relative to the regulation of campground membership programs.

HB 581, relative to the regulation of rental referral agencies.

HB 583, relative to alimony.

HB 604, relative to the return of rental vehicles.

HB 605, relative to approval of deviations from rating organization filings and regulating the issuance of certificates of insurance.

HB 615, relative to keeping county convention records.

HB 617, relative to the regional fuel tax agreement.

HB 624, relative to notice of accidents to insurance companies; insurance company liens; and licensing insurance agents and brokers.

HB 625, relative to pari-mutuel taxation.

HB 654, relative to assault of children under 13 years of age.

HB 724, relative to small claims litigation.

HB 728, relative to publication of city bylaws and ordinances.

HB 4, establishing a new formula for distributing foundation aid to school districts.

HB 538, permitting alpine slide facilities to sell liquor.

HB 129, relative to sunset review of division of public health services.

HB 146, relative to sunset review of the New Hampshire distributing agency.

SB 149, eliminating the position of city sealer of weights and measures in Manchester and Nashua.

Sen. Mark Hounsell
Rep. Chris Jacobson
For the Committee.

ENROLLED BILLS REPORT

HB 113, relative to sunset review of vocational rehabilitation.

HB 141, relative to sunset review of the office of waste management.

HB 165, limiting the liability of property owners relative to OHRVs and ATVs.

HB 643, relative to the postsecondary education commission and the New England Board of Higher Education.

HB 744, relative to community mental health center fees, emergency hospitalization, and certain rulemaking authority.

HB 776, relative to the administration of the children's study home.

HB 801, relative to three lighthouses on Lake Sunapee.

SB 20, adopting the uniform transfers to minors act.

SB 36, relative to the disposal of sewage and the abatement of nuisances.

SB 55, removing the executive director of the water supply and pollution control

commission from the plumbers' licensing board.

SB 67, relative to the execution of wills.

SB 94, relative to criminal mischief.

SB 97, relative to certain documents required to be kept in the state house visitors' center.

SB 163, increasing the housing finance authority's bonding authority.

SB 199, relative to the reorganized department of revenue administration.

Rep. Mark Hounsell
Rep. Daniel A. Eaton
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 25

Friday, 24 May 85

The House assembled at 10:30 a.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, as the work of this session nears an end, we pray for cooperation and understanding. May the members of the many Committees of Conference be able to reach conclusions with their Senate colleagues that will be helpful for our State. Help each to set aside personal pride, ambition and favoritism. Let us be guided by Your Wisdom to be a true government for all the people. Amen.

Rep. Thompson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ames, Daniell and Kohl, the day, illness.

Reps. Michael Jones, Laurion, Duggan, Olimpio, Fried, M. Arnold Wight, Daniel Eaton, McIntire, Gerald Smith, Pantzer, Gilbreth, Joslyn, Clay, Millard, George Jones, Patti Blanchette, Connolly, Butler, West, Schofield, Raiche, Steiner, Duprey, Bernier, Nagel, Hardy, Normandin, Dwyer, Benjamin Moore and Simon, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Jane Morrison, guest of Rep. Young; 4th Grade Class, St. Mary's School, Franklin, with their teacher, Kathy Malsbenden, and parents, Gary Sokul and Becky Levesque, guests of Reps. James Whittemore and Roberts.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 130-FN, An Act providing for a moose hunting season having considered the same, report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 208:1-a, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Prior to the establishment of any hunting season for moose, the executive director shall implement a comprehensive moose management program that shall include, but not be limited to: education of the public as to the biological status and management needs of the moose; research to determine the population, distribution, and future trends and needs of the New Hampshire moose herd; and management measures, which may include hunting, as well as habitat enhancement, to promote the maintenance of a healthy moose population. Every 2 years, the executive director shall report in writing to the legislature and the governor and council the status of the moose in New Hampshire, and the performance of the moose management program.

Conferees on the Part of the Senate:

Sens. Wiggins, Dist. 8, Preston, Dist. 23 and Freese, Dist. 4.

Conferees on the Part of the House:

Reps. Hussey, Straf. 10, Doris Riley, Merr. 9, Perham, Hills. 10 and Powers, Carr. 3.

Report Adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 35, An Act relative to medical review committee reports having considered the same, report the same with the following recommendations:

That the Senate recede from its position on nonconcurrence with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4, Podles, Dist. 16 and Preston, Dist. 23.

Conferees on the Part of the House:

Reps. Sochalski, Rock. 23, Fraser, Merr. 6, Cox, Hills. 18 and Hager, Merr. 21.

Report Adopted.

SENATE MESSAGES CONCURRENCE

HCR 11, requesting New Hampshire's congressional delegation to introduce and support legislation amending the regulatory powers of the Federal Energy Regulatory Commission.

NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 5-FN, relative to judicial retirement. The President appointed Sens. White, Freese and Blaisdell.

Rep. Kidder moved that the House accede. Adopted.

The Chair appointed Reps. Ramsay, Gross, Sytek and Michael King.

CONCURRENCE WITH AMENDMENT

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor.

NONCONCURRENCE WITH AMENDMENT

SJR 1, relative to the sweepstakes commission fund.

ACCEDES REQUEST FOR
COMMITTEE OF CONFERENCE

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas.

The President appointed Sens. Freese, Blaisdell and Wiggins.

HB 505, relative to the office of ombudsman within the state council on aging.

The President appointed Sens. Podles, St. Jean and McLane

HB 600, making appropriations for capital improvements.

The President appointed Sens. Stabile, White and Boyer.

HB 186-FN, relative to home health care providers and making an appropriation therefor.

The President appointed Sens. Freese, St. Jean and Charbonneau.

HB 126-FN, relative to sunset review of state office administration.

The President appointed Sens. McLane, Podles and St. Jean.

HB 257, relative to the restoration and rehabilitation of Tip Top House on Mount Washington.

The President appointed Sens. Stabile, Wiggins and Preston.

HB 698, relative to court administration. The President appointed Sens. Boyer, Roberge and Freese.

HB 373, relative to terms of appointment and administratively attached agencies.

The President appointed Sens. Dupont, Heath and St. Jean.

HB 283, relative to continuing nursing home cost incentive programs.

The President appointed Sens. Chandler, Blaisdell and White.

HB 575, relative to administrative procedures and state and local government cooperation.

The President appointed Sens. Dupont, St. Jean and Roberge.

HB 466, relative to highway billboards, off and on premise signs.

The President appointed Sens. Freese, Lessard and Johnson.

HB 305-FN, authorizing the barbering and cosmetology board to set fines.

The President appointed Sens. Dupont, St. Jean and Bond.

HB 632, establishing a printed materials revolving fund at the department of education.

The President appointed Sens. Lessard, Bond and Johnson.

HB 498, relative to the dam maintenance fund and making an appropriation therefor.

The President appointed Sens. Hounsell, Preston and Wiggins.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike.

The President appointed Sens. Stabile, White and Stephen.

HB 704, requiring the state treasurer to report annually to the legislature about early debt redemption.

The President appointed Sens. White, Blaisdell and Dupont.

HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor.

The President appointed Sens. Blaisdell, Hounsell and Wiggins.

HB 124-FN, relative to sunset review of aeronautics commission administration and support.

The President appointed Sens. Dupont, Preston and Hounsell.

HB 288, relative to the duties and responsibilities of the department of administrative services.

The President appointed Sens. Dupont, Freese and St. Jean.

HB 241, eliminating the hydro-energy power promotion functions of the water resources board.

The President appointed Sens. Preston, Freese and Wiggins.

HB 23, relative to penalties for violations in connection with the taking of marine species.

The President appointed Sens. Freese, Preston and Wiggins.

HB 45, relative to licenses issued by the Department of Fish and Game.

The President appointed Sens. Heath, Hounsell and Preston.

HB 87, providing the legislative budget assistant with access to certain records.

The President appointed Sens. Dupont, Freese and St. Jean.

Rep. Lee Anne Steiner offered the following:

HOUSE RESOLUTION NO. 40

honoring the University of New Hampshire's 1985 Women's Lacrosse National Championship Team.

WHEREAS, the 1985 Women's Lacrosse Team of the University of New Hampshire, on May 19, defeated the University of Maryland,

6-5, to win the National Collegiate Athletic Association Championship, the most prestigious of titles in American women's college lacrosse, and

WHEREAS, the victory marked the first time in the University of New Hampshire's long and distinguished athletics history that any varsity team in any sport, be it women's or men's, has ever been crowned a national champion, and

WHEREAS, the team, coached by Marisa Dido and her assistants Heidi Pike and Lynne Viscio, posted an impressive won-loss record during the 1985 championship season, winning eleven games and losing but three, and

WHEREAS, team members, throughout their championship season, displayed unity of spirit that was marked by unselfishness and a strong desire to succeed as they outscored their opponents by the wide margin of 165 to 75, and

WHEREAS, the University of New Hampshire's Women's Lacrosse Team, before winning the national title, won for the second consecutive year the Eastern College Athletic Conference regional title, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the University of New Hampshire's 1985 Women's Lacrosse Team be recognized and publicly lauded for earning the School's first national title, and be it further

RESOLVED, that the coaches and athletes be applauded for the dedication and hard work that made them champions, and that a suitable copy of this Resolution be prepared for presentation to the University of New Hampshire Athletic Department.

Adopted unanimously.

VETO MESSAGE ON HB 4

To all members of the General Court

I have vetoed HB 4-FN. Enclosed, however, is a revised version of the bill which does implement the Augenblick distribution formula for foundation aid and other education funds. It is my hope that you might reintroduce, pass and return to me legislation for my signature which reflects that specific resolution.

House Bill 4-FN, as sent to me, did contain a positive step forward in the delivery of educational funds to the cities and towns. However, it also contains sections, which are not a basic part of the change in formula, which create major policy changes beyond the distribution of foundation aid or supplementary educational funds. The impact on the New Hampshire fiscal policy would be devastating.

Over the years, in discussing foundation aid for our school districts, I have consistently emphasized that a fairer and more equitable formula should be developed. I support replacing the equalization formula that has been applied in the past. In fact, I believe it was my recommendations which served as the basic structure for including per capita income and tax effort as the basis for a more equitable formulation.

The formula which has been developed and has become known as the "Augenblick formula" is a fine step toward that equity, and as I have noted over the past few months, I endorse the adoption of the formula.

However, I have always emphasized that the process of refining the formula should not--and must not--be used as a mechanism for setting a new funding level or an imperative for future funding. I will not permit the bill implementing the Augenblick formula to be misused as a vehicle or stimulus for runaway spending.

Furthermore, I think it should be clear that legislation for implementing a fairer formula should not be the mechanism for changing the tax structure of the State of New Hampshire. It is clear that this bill, in its present form, is a legislative vehicle to bring about a broad based tax in New Hampshire. This would result in spite of the fact that the citizens of this state have consistently rejected such a tax.

House Bill 4-FN, as passed, includes a significant number of defects, which are inconsistent with the specified goal of simply improving the distribution formula. Perhaps the most onerous defect is the fact that the statement of policy contained in HB 4-FN drastically alters the existing legislatively enacted educational policy of this state. This new policy would create both a legal and financial dilemma for the state. It would, in fact, severely prejudice the position of the state in a major pending lawsuit. As noted earlier, I am convinced that this section is a clear imperative to push our state into a sales tax or income tax by incurring a state obligation and liability significantly different than our current, very successful and effective position.

This basic policy change alone is sufficient reason for my veto, for it goes well beyond the original intent to implement a fairer formula. However, the bill also contains numerous provisions which establish additional commitments, obligations and imperatives for spending which should not have been included. In fact, it is a common perception drawn from the legislative debate that these provisions had been removed. Yet, these additional commitments for spending are still contained in the legislation and are among the reasons for my veto.

I must also call your attention to the section of HB 4-FN which authorizes expenditure of these funds without authorization by a school district at the school district's annual meeting. This, too, is a dangerous policy and precedent for a distribution of this nature.

The problems associated with phasing-in the change in formula have been recognized. However, I think a more appropriate way to deal with that issue and other complicated and related problems is to limit the applicability of the new formula to foundation aid funds, sweepstakes funds, and special education basic aid funds.

Since I have been clear in my support for fundamental legislation addressing the improvement of the formula, I felt it was incumbent upon me as Governor to provide the

redrafted version of HB 4-FN, which retains the Augenblick formula as a mechanism for fairer distribution of some of our education funds. This draft has also removed or amended the language which altered our current policy in the State of New Hampshire, and removed those sections which created an imperative for funding or which permitted any of the funds to be spent without approval of the school district meeting.

I believe there is still an opportunity to develop legislation to meet our original goal--improving the distribution of funds for education without creating an impossible spending imperative--a goal which I support and which I believe is supported by the members of the House and Senate. I, therefore, respectfully urge the members of the General Court to reject this bill and support this veto.

I will be happy to assist in effects to reintroduce and pass the amended version submitted here.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 4-FN pass.

Reps. William Boucher, Russell Chase and Rounds spoke in favor.

Reps. Taffe and Ellen-Ann Robinson spoke in favor and yielded to questions.

Rep. Vaughn spoke against.

Reps. Scamman and John Burns spoke against and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(speaker presiding)

YEAS 228 NAYS 92

YEAS 228

BELKNAP: Birch, Bolduc, Bowler, Malcolm Harrington, Hawkins, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald and Powers.

CHESHIRE: Arnott, Blacketer, Davis, Frink, Irvin Gordon, Matson, Miller, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan and Young.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Scanlan, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bergeron, Lionel Boucher, Bourque, Burkush, Carragher, Champagne, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Ducharme, Dykstra, Joseph Eaton, Nancy Ford, Scott Green, Marian Harrington, Hendrick, Holden, Chris Jacobson, Jasper, Keefe, Lown, Lozeau, Howard Mason, McGlynn, Messier,

Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Paquette, Parmenter, Pellow, Pressly, Reardon, Ellen-Ann Robinson, Leonard Smith, Mary Sullivan, Sylvia, Van Loan, Wagner, Frank Whittemore, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Bowes, Cailler, Cate, James Chandler, Daniell, Fraser, Gross, Hager, Mary Holmes, Jelly, C. William Johnson, Kinhan, Lewis, Pannell, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Stio, Wallner and James Whittemore.

ROCKINGHAM: Bangs, Benton, Blaisdell, William Boucher, Burdick, Marilyn Campbell, Case, Connors, Conroy, Day, Flanagan, Flanders, Goss, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, George Katsakiores, Phyllis Katsakiores, Krasker, Lovejoy, Magoon, McCain, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Raynowska, Rosencrantz, Sanderson, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Sytek, Titone, Warburton and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Diamant, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Lussier, Meader, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: D'Amante, Disnard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Schotanus, Spaulding and Sara Townsend.

NAYS 92

BELKNAP: Brough, Brown, Richard Campbell, Dexter, Golden, Holbrook, Jensen, Matthew Locke and James J. White.

CARROLL: Ashnault, Gene Chandler and Dickinson.

CHESHIRE: Burley, Crane, Delano, Grodin, Morse, Ridge and Thompson.

COOS: Brungot, Guay and Marsh.

GRAFTON: McAvoy and Howard Townsend.

HILLSBOROUGH: Barry, Beaupre, Bourdon, Boutwell, Bridgewater, John Burns, Leslie Burns, Charron, Duperron, Durant, Fields, Gagnon, Grip, Herod, Hogan, Hyman, Knight, Levesque, Martin, Nute, Paradis, Perham, Prestipino, Frances Riley, Sallada, Shriver, B. P. Smith, Stonner, Tamposi, Turgeon, Vanderlosk, Varkas, Geraldine Watson, Harold Watts, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, George Gordon, Hayes, Arthur Locke, Doris Riley, Roberts and Shepard.

ROCKINGHAM: Lawrence Chase, Emanuelson, Felch, Beverly Gage, Gourdeau, Kane, Roger King, Longworth, Mace, Malcolm, Robert

Mason, McKinney, Norman Rogers, Scamman, Schmidtchen, Schwaner, Vartanian, Vaughn, Walker and Welch.

STRAFFORD: Musler.

SULLIVAN: Brodeur, Call, Ingram and Rodeschin, and the veto was overridden by the constitutional requirement of two-thirds.

Reps. Thomas Gage, West and Kelley notified the Clerk that they wished to be recorded in favor of overriding the Governor's veto.

CONFEREE CHANGES

HB 132 - Rep. Blais replaces Rep. Mehegan.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 109, relative to sunset review of the division of vocational technical education.

COMMITTEE OF CONFERENCE REPORT

HB 109, relative to sunset review of the division of vocational technical education. (printed SJ 5/24)

Report Adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants.

COMMITTEE OF CONFERENCE REPORT

HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants. (printed SJ 5/24)

Report Adopted.

NONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 4, relative to funding for the department of public works and highways federal aid construction program.

The President appointed Sens. White, Griffin and Preston.

Rep. Bibbo moved that the House accede. Adopted.

The Chair appointed Reps. Bibbo, James Chamberlin, Swope and Murphy.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way.

COMMITTEE OF CONFERENCE REPORT

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way. (printed SJ 5/24)
Report Adopted.

ENROLLED BILLS AMENDMENTS

SB 195, creating a children's trust fund study committee.

Amendment

Amend section one of the bill by striking out line 3 and inserting in place thereof the following:

to be composed of the following 3 members:

This amendment inserts a missing word by adding "be" to line 3 of section one of the bill.

Adopted.

SB 189-FN, providing cost of living increases to teachers who retired prior to 1957.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing cost of living increases to teachers who retired prior to 1957
and making an appropriation
therefor.

This amendment corrects the title to indicate that an appropriation is made by the bill.

Adopted.

HB 668-FN, relative to the establishment of capital reserve funds for the acquisition of land.

Amendment

Amend RSA 35:1, III-b as inserted by section 2 of the bill by renumbering said paragraph to read as III-a.

This amendment corrects a numbering error in section 2 of the bill.

Adopted.

SB 210, permitting the use of a separate ballot for proposed zoning amendments.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Amendments Not to Take Effect. The amendments to RSA 675:2, I; RSA 675:3, VII; and RSA 675:4, III and IV made by 1985,

103:24, HB 96 of the 1985 regular legislative session, shall be null and void and shall not take effect.

Adopted.

5 Effective Date. This act shall take effect 60 days after its passage.

This amendment provides that certain RSA sections amended by HB 96 and also by SB 210 shall take effect in the form in which they were enacted by SB 210. The amendments in SB 210 incorporate the substantive changes made by the amendment in HB 96.

Adopted.

HB 764, relative to the practice of optometry.

Amendment

Amend RSA 372:6-b, II as inserted by section 2 of the bill by striking out line one and inserting in place thereof the following:

II. The board shall meet not less than once nor more than twice in

This amendment deletes the word "then" which was mistakenly printed twice in one line of the bill.

Adopted.

HB 637-FN, regarding changes in the timber tax laws.

Amendment

Amend RSA 79:9-a as inserted by section 9 of the bill by striking out line 5 and inserting in place thereof the following:

be necessary. The board may summon witnesses, administer oaths, order the

Amend the last section of the bill by striking out line 1 and inserting in place thereof the following:

20 Effective Date. This act shall take effect April 1, 1986.

This amendment corrects the grammatical error in RSA 79:9-a as inserted by section 9 of the bill by changing "summons" to "summon." This amendment also renumbers the last section of the bill to correct a numbering error.

Adopted.

HB 515, relative to the ballot law commission.

Amendment

Amend RSA 665:6-a, II as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

may be necessary as provided in RSA 655:31, RSA 665:6, II, and RSA 665:7.

This amendment inserts after the word "necessary" the word "as" which was mistakenly omitted.

Adopted.

HB 114-FN, relative to sunset review of vocational rehabilitation education programs.

Amendment

Amend RSA 186-C:3, II as inserted by section 3 of the bill by striking out line 5 and inserting in place thereof the following:

special education and develop and propose practical solutions to

This amendment corrects grammatical errors.

Adopted.

HB 547, extending the time within which pari-mutuel pools may be sold.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:
introductory paragraph of RSA 284:22 (supp) as inserted by 1957, 122:1, as amended

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Contingency. If the amendment to the introductory paragraph of RSA 284:22 made by 1985, 58:8, deleting references to simulcast races, takes effect July 1, 1987, section 1 of this act shall take effect July 1, 1987, at 12:01 a.m. Otherwise, section 1 of this act shall not take effect.

3 Wagering on Simulcast Races. Amend the introductory paragraph of RSA 284:22 as inserted by 1957, 122:1 as amended by striking out said paragraph and inserting in place thereof the following:

During the calendar years of 1941 - 1999, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere, except as provided in this paragraph. Pari-Mutuel pools may also be sold by licensees on races held at other appropriately licensed racetracks, outside the state of New Hampshire, if such sales are within the enclosure of a race track which holds a license for the current year to conduct racing within this state, and if wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's track simultaneously with the conduct of each such race at its point of origin. Racing officials, as defined in rules adopted by the commission; any employee or owner of the entity supplying the track's totalizers; and any person responsible for the operation of the electronic reproduction equipment

which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races exhibited at the licensee's track. The restrictions of RSA 284:17-c shall not apply to pari-mutuel wagering on races which are simulcast by television or other means of electronic reproduction under this section. A licensee may simulcast different types of races than those which are actually conducted live at the licensee's track, provided that the licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast. A licensee may simulcast races only on days on which live racing is conducted at the licensee's race track. RSA 284:23 shall apply according to the type of race on which the wagers are made, whether live or simulcast. The provision for purses made in paragraph I of this section shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating such simulcast races or to the horsemen's group of such association.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

This enrolled bill amendment combines the changes made to the introductory paragraph of RSA 284:22 by this bill with the changes made in HB 441 (chapter 58), permitting wagering on simulcast races until July 1, 1987, and corrects the amending language in section 1 to reflect the earlier amendments.

Adopted.

HB 778-FN, authorizing cities and towns to borrow for certain planning costs.

Amendment

Amend RSA 33:3-c as inserted by section one of the bill by striking out line 6 and inserting in place thereof the following: reconstruction, alteration or enlargement of a public building; or consisting of the

This amendment corrects a grammatical error in RSA 33:3-c as inserted by section one of the bill.

Adopted.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of an amendment to the Joint Rules.

Adopted by the necessary two-thirds.

Amendment

Amend the Joint Rules by striking out paragraphs (c) and (d) of the Joint Rule 10 and inserting in place thereof the following:

(c) Both bodies shall take final action, including all committee of conference reports, excluding final action on any bill or joint resolution referred for interim study or action on enrolled bills committee reports, on the so-called Capital Budget Bill not later than the first Tuesday in June (June 4) and on the so-called Operating Budget Bill and revenue raising bills not later than the first Thursday in June (June 6) and on all others no later than the fifth Wednesday in May (May 29).

(1) Reports of the Committee of Conference on the so-called Capital Budget Bill shall be filed with the clerks of both bodies no later than 3:00 p.m. on the fourth Saturday in May (May 25) and on the so-called Operating Budget Bill no later than 3:00 p.m. on the first Saturday in June (June 1) and on revenue raising bills no later than 3:00 p.m. on the first Monday in June (June 3) and on all others no later than 3:00 p.m. on the fourth Monday in May (May 27).

(2) The reports of the committee of conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

(d) The so-called Capital Budget Bill shall be submitted to the Governor for his signature no later than the first Wednesday in June (June 5), and the so-called Operating Budget Bill and revenue raising bills shall be submitted no later than the first Friday in June (June 7), and all other bills shall be submitted no later than the first Tuesday in June (June 4); and when each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

(1) The so-called Operating Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

Reps. Rounds and Chambers spoke in favor of the amendment.

Amendment adopted.

SENATE MESSAGES ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 694, relative to welfare changes and making an appropriation therefor.

The President appointed Sens. Charbonneau, Bartlett and Blaisdell.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor.

The President appointed Sens. White, Chandler and Lessard.

HB 539, relative to the protection of sand dunes.

The President appointed Sens. Freese, Preston and Heath.

HB 232-FN, relative to adopting the federal boat numbering system.

The President appointed Sens. Wiggins, Freese and Preston.

HB 443-FN, establishing the central interagency motorpool study committee.

The President appointed Sens. White, Stabile and Blaisdell.

HB 383-FN, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.

The President appointed Sens. White, Dupont and Blaisdell.

HB 756, relative to the hazardous waste cleanup fund.

The President appointed Sens. Wiggins, Freese and Preston.

HB 39-FN, providing for the reconstruction of a section of Prescott Road in the Town of Raymond and making an appropriation therefor.

The President appointed Sens. Stabile, Johnson and Stephen.

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court.

The President appointed Sens. Griffin, Bond and Stephen.

HB 434, relative to missing children and making an appropriation therefor.

The President appointed Sens. Blaisdell, Podles and Charbonneau.

HB 787-FN, relative to retirement.

The President appointed Sens. White, Chandler and Blaisdell.

HB 708, relative to the indigent defense program.

The President appointed Sens. Boyer, Chandler and Charbonneau.

HB 677, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act.

The President appointed Sens. Boyer, Roberge and Freese.

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987.

The President appointed Sens. Roy, White and Blaisdell.

HB 296, relative to the disorderly conduct law.

The President appointed Sens. Boyer, Chandler and Roberge.

VETO OVERRIDDEN

HB 47, relative to living wills.

CONFEREE CHANGES

SB 170 - Reps. Thompson and Horton replace Reps. Simon and Nagel

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 28 at 10:00 a.m.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills and Enrolled Amendments Reports only.

Adopted.

The House recessed at 12:35 p.m.

RECESS

CONFEREE CHANGES

HB 677 - Rep. Paul Johnson replaces Rep. Alf Jacobson.

HB 124 - Rep. Haynes replaces Rep. Labombarde.

HB 232 - Rep. Irvin Gordon replaces Rep. Stewart.

HB 112 - Rep. Irvin Gordon replaces Rep. Stewart.

SB 5 - Sen. Bartlett replaces Sen. Freese.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

SENATE MESSAGES GOVERNOR'S VETO SUSTAINED

SB 147, establishing a committee to study a health cost containment measure.

HOUSE JOURNAL 26

Tuesday, 28 May 85

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Philip Allen Crane, Southern District Superintendent of the New Hampshire Conference of the United Methodist Church.

O God, Father and Creator of us all, You have told us through Your Holy Scriptures that "we are created in Your image." Help us, O God, to be more like You in our relationships with one another, and in our dealings with the family of humankind as our neighbors. We are a nation and a people that desire peace, and as we pause this week to remember, to memorialize, and to honor persons who have sought to give us that peace, may we also pray that our own actions will encourage peace-seeking among all peoples of Your world.

You know our prayers even before we utter them, O Lord, but in our mortal way we try so hard to be profound in our prayers when all You ask is for us to have faith and to trust in You. Help us to be more trusting and loving not only of You, but of one another. Grant us wisdom to make careful decisions, and courage to demand of ourselves our best at all time. Help us to rid our lives of our false gods, and to give You the rightful place in our hearts that You so richly deserve. Thank You, God, for loving us and giving us the gift of life. Thank You, God, for giving us so many blessings of nature in this beautiful State of New Hampshire. Thank You God, for everything! Amen.

Rep. Kenneth Wheeler led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Daniell, Sara Townsend, Mann, Ames, Anderson, Kohl, Bangs and Kincaid, the day, illness.

Reps. Wayne King, Pantelakos, Diamant, Lawrence Chase, Zeckhausen, Gerald Smith, Gilbreth, Clay, Millard, Cailler, Dwyer, Donovan, Ducharme, Haynes, McCain, Reardon, Ralph Torr, Michael Jones, Franklin Torr, Schwaner, Felch, Secord, Tamposi, Benjamin Moore and Jasper, the day, important business.

Rep. Nichols, the day, death in the family.

Reps. Arnesen and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Department Commander of the New Hampshire American Legion, John Pandora of North Conway and a group of New Hampshire war veterans including many prisoners of war and disabled veterans, guests of Reps. Lamontagne and Levesque.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 209, An Act relative to raffles having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 287-A:9 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

287-A:9 Players. Raffles held in conjunction with bingo games shall be held only at bingo games having a hall capacity of 300 persons or less as designated by the assembly permit.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3, Sen. Hounsell, Dist. 2 and Sen. Blaisdell, Dist. 10

Conferees on the Part of the House:

Rep. Thompson, Ches. 9, Rep. Blaisdell, Rock. 13, Rep. Burley, Ches. 2 and Rep. D'Amante, Sull. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 61, An Act eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Charbonneau, Dist. 14, Sen. Bartlett, Dist. 19 and Sen. Stephen, Dist. 18.

Conferees on the Part of the House:

Rep. Quimby, Rock. 7, Rep. Rep. Crory, Graf. 12, Rep. Lindblade, Sull. 5 and Rep. Foss, Coos. 2.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 103, An Act authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Town of Kingston. Notwithstanding any provision of law, the town of Kingston is hereby authorized to hold a special town meeting relative to establishing a budget committee.

10 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16, Sen. Freese, Dist. 4 and Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Perry, Ches. 10, Rep. King, Rock. 4, Rep. McIntire, Carr. 4 and Rep. Cronin, Hills. 38.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 118, An Act relative to timely filing of returns under the meals and rooms tax having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3, Sen. Preston, Dist. 23 and Sen. McLane, Dist. 15.

Conferees on the Part of the House:

Rep. Durant, Hills. 32, Rep. Hayes, Merr. 15, Rep. Sallada, Hills. 4 and Rep. Ahrens, Hills. 13.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 134, An Act relative to highways to public waters having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Wiggins, Dist. 8, Sen. Preston, Dist. 23 and Sen. Hounsell, Dist. 2

Conferees on the Part of the House:

Rep. Bibbo, Merr. 3, Rep. Chandler, Merr. 21, Rep. Marsh, Coos 1 and Rep. Murphy, Hills. 40.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 170-FN, An Act enabling the liquor commission to lease space in its stores for placing automatic teller machines having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Repeal. RSA 178-A:4, I, relative to retail prices of wine, is hereby repealed.

4 Effective Date.

I. Section one of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect June 1, 1986.

III. the remainder of this act shall take effect June 1, 1985.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3, Sen. Blaisdell, Dist. 10 and Sen. Bond, Dist. 1.

Conferees on the Part of the House:

Rep. Phelps, Merr. 1, Rep. Horton, Coos 4, Rep. Thompson, Ches. 9 and Rep. Gagnon, Hills. 29.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 220, An Act relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4, Sen. Preston, Dist. 23 and Sen. Bond, Dist. 1.

Conferees on the Part of the House:

Rep. Sytek, Rock. 20, Rep. Fraser, Merr.
6, Rep. Robinson, Straf. 4 and Rep. Zis,
Hills. 28.

(Speaker presiding)

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YEAS 241

Report adopted.

VETO MESSAGE ON HB 392

To All Members of the General Court

I regret that I must veto HB 392-FN, which exempts former prisoners of war from the municipal permit fee for registration of a motor vehicle.

Although the bill is clearly well intended and the former prisoners of war certainly merit our expression of gratitude and appreciation, there are a number of significant problems presented by this legislation which force me to exercise this veto.

My first concern involves the basic issue of the State exempting one class of individuals from a local permit fee. By doing so a number of fundamental problems are created. First is the issue of the State reducing a fee that is currently tendered to our communities. This has Constitutional implications under the recently enacted Constitutional amendment concerning State mandates to local governments that should be addressed more directly. It also has Constitutional implications because it may discriminate against all other citizens who will still continue to pay the fee.

It may have been preferable if this legislation had been constrained to enable each municipality to exempt, on a community-by-community basis, its own collection of fees from those former prisoners of war who wish to exercise such an exemption. However, even that construction would have been subject to Constitutional concern as an exemption for too narrow a class.

I want to acknowledge and applaud the intent to honor former prisoners of war and remain amenable to other appropriate means of recognizing the significant service provided by those patriotic men and women. However, it is my fear that if this bill is permitted to become law, the esteem for former prisoners of war would be diluted in the legal maze created by the potential Constitutional challenges to this law. I do not believe that in the long run this law will be deemed to have served the public good, and I have therefore regretfully been forced to veto this bill.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 392 pass.

Reps. Fields and Levesque spoke in favor and yielded to questions.

Rep. Vaughn spoke against.

Reps. Beverly Gage, Rounds, Chambers and Lamontagne spoke in favor.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Reps. Vaughn and Arthur Locke abstained from voting under Rule 16.

BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Jensen, Pearson, Randall and James J. White.

CARROLL: Ashnault, Gene Chandler, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Blacketor, Crane, Delano, Frink, Irvin Gordon, Grodin, Ramsay, Ridge, Russell, Schwartz, William Sullivan and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bean, Blair, Chambers, Copenhaver, Crory, Densmore, Easton, Hutchings, Michael King, LaMott, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, August, Beaupre, Bergeron, Bernier, Robert Blanchette, Bourdon, Bourque, Boutwell, Burkush, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Durant, Dykstra, Fields, Nancy Ford, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Hogan, Holden, Hyman, Chris Jacobson, George Jones, Keefe, Labombard, Lamy, Levesque, Lown, Lozeau, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Pariseau, Farmer, Pellow, Pressly, Prestipino, Raiche, Ellen-Ann Robinson, Sallada, Shriver, Leonard Smith, Steiner, Mary Sullivan, Turgeon, Van Loan, Wagner, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Barberia, Bardsley, Bowes, James Chandler, Fraser, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kinhan, Pannell, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Wallner and West.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Ellyson, Emanuelson, Flanagan, Flanders, Bert Ford, Beverly Gage, Goss, Gourdeau, Joslyn, George Katsakiore, Phyllis Katsakiore, Roger King, Krasker, Lovejoy, Magoon, McKinney, Nagel, Newman, Palumbo, Parr, Pevear, Popov, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Vartanian, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Berkey, Bernard, Bryant, Burton, Dingle, Albert Dionne, Donnelly, Anita Flynn, Patricia Foss,

Frechette, Meader, Musler, O'Brien, Parks, Pelley, Francis Robinson, Henry Sullivan and Swope.

SULLIVAN: Brodeur, Call, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin and Spaulding.

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BELKNAP: Holbrook.

CARROLL: Russell Chase and Schofield.

CHESHIRE: Burley, Davis, Morse, Parker, Perry, William Riley, Scranton and Thompson.

COOS: Horton.

GRAFTON: Bennett, Christy, Driscoll and McAvoy.

HILLSBOROUGH: Arnold, Barry, Bass, Bridgewater, John Burns, Cox, Duperron, Clyde Eaton, Joseph Eaton, Fried, Herod, Humphrey, Kelley, Knight, Paradis, Perham, Frances Riley, B. P. Smith, Sylvia, Vanderlosk, Varkas, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Bibbo, Laurent Boucher, Connolly, Daniell, Gross, Hager, Hayes, Kidder, Lewis, Pantzer, Phelps, Rehlander, Doris Riley, Stio and James Whittemore.

ROCKINGHAM: Thomas Gage, Elizabeth Greene, Kane, Longworth, Mace, Quimby, Scamman, Sytek and Tufts.

STRAFFORD: Bates, Chamberlin, Edward Flynn, Robert Jones, Keans, Lussier, Spear, Ann Torr and Whiting.

SULLIVAN: Disnard, Ingram, Rodeschin and Schotanus, and the veto was overridden by the constitutional requirement of two-thirds.
Rep. Diamant notified the Clerk that he wished to be recorded in favor of overriding the Governor's veto on HB 592.

VETO MESSAGE ON HB 592

To All Members of the General Court

I have vetoed HB 592, relative to methods of funding and the catastrophic costs of special education.

Although I will agree that the topic merits serious consideration, I believe that a legislative study committee, which consists only of legislative members and reports only to the legislature, should be appointed by the Speaker of the House and the Senate President without the formality of specific legislation.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 592 pass.

Rep. William Boucher spoke against.

Reps. Chambers, William Riley and Kinhan spoke in favor.

Reps. Marilyn Campbell and Walker spoke in favor and yielded to questions.

Rep. William Boucher spoke a second time and spoke in favor.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

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BELKNAP: Birch, Bolduc, Bowler, Brough, Brown, Richard Campbell, Hardy, Malcolm Harrington, Hawkins, Holbrook, Pearson, Randall and James J. White.

CARROLL: Russell Chase, Robert Holmes, Hounsell, Kenneth MacDonald, Olimpio, Powers and Schofield.

CHESHIRE: Blacketor, Crane, Davis, Frink, Irvin Gordon, Matson, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Bideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, LaMott, Rounds, Scanlan, Stewart, Taffe, Wadsworth and Walter.

HILLSBOROUGH: Ahrens, August, Bernier, Robert Blanchette, Bourque, Bridgewater, Burkush, Leslie Burns, Carragher, Champagne, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Dykstra, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Hendrick, Holden, Chris Jacobson, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Paquette, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Shriver, B. P. Smith, Leonard Smith, Mary Sullivan, Sylvia, Turgeon, Van Loan, Varkas, Wagner, Harold Watson, Frank Whittemore, M. Arnold Wight, Winn and Zis.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Bowes, James Chandler, Connolly, Fraser, Hager, Hayes, Mary Holmes, Jelley, C. William Johnson, Kidder, Kinhan, Lewis, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Stio, Wallner and West.

ROCKINGHAM: Benton, Blaisdell, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Flanagan, Flanders, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Mace, Magoon, Nagel, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Rosencrautz, Sanderson, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker, Warburton and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Dingle, Albert

Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope and Whiting.

SULLIVAN: Brodeur, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus and Spaulding.

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BELKNAP: Dexter, Golden and Jensen.

CARROLL: Ashnault, Gene Chandler and Dickinson.

CHESHIRE: Burley, Delano, Grodin, Morse and Ridge.

COOS: Brungot and Marsh.

GRAFTON: Christy, McAvoy, Howard Townsend and Whitcomb.

HILLSBOROUGH: Arnold, Barry, Bass, Beaupre, Bergeron, Bourdon, Boutwell, John Burns, Charron, Cox, Duperron, Durant, Clyde Eaton, Joseph Eaton, Fields, Healy, Herod, Hogan, Humphrey, Hyman, George Jones, Labombarde, Lozeau, Murphy, Nute, Paradis, Pariseau, Sallada, Steiner, Vanderlosk, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Lucille Wood and Worthen.

MERRIMACK: Barberia, Laurent Boucher, Daniell, Gross, Arthur Locke, Roberts, Shepard and James Whittemore.

ROCKINGHAM: Ellyson, Bert Ford, Gourdeau, Hoar, Kane, Longworth, Malcolm, McKinney, Norman Rogers, Scamman, Schmidtchen and Welch.

STRAFFORD: Lussier, Musler and Ann Torr.

SULLIVAN: Call and Rodeschin, and the veto was overridden by the constitutional requirement of two-thirds.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 198, An Act relative to the adoption statutes having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 170-B:19, II-a as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

II-a. Upon the request of an adoptee over 21 years of age, or an adoptive parent, the division or agency involved in the adoption shall release information relating to the health history of the

natural parent and blood relatives, or, non-identifying background information of the natural parent and blood relatives on forms approved by the division. The division or the agency shall delete any information from the health history or background which would tend to identify a natural parent.

Conferees on the Part of the Senate:

Sen. McLane, Dist. 15, Sen. Boyer, Dist. 13 and Sen. Griffin, Dist. 24.

Conferees on the Part of the House:

Rep. Chretien, Hills. 33, Rep. Lown, Hills. 9, Rep. Hollingworth, Rock. 17 and Rep. Raiche, Hills. 41.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 8, An Act clarifying the water supply and pollution control commission's rulemaking and enforcement authority having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 146-A:4, I and II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Whenever an oil or petroleum product or by-product discharge or spillage occurs, hereinafter referred to as "oil discharge," which may pollute or which has polluted the public waters of this state, the water supply and pollution control commission shall be notified immediately and shall assume primary jurisdiction of the cleanup operation. In the interim period before the commission has had an opportunity to assume jurisdiction, the person or persons strictly liable for an oil discharge shall undertake immediate measures to minimize the extent of pollution and damage which said discharge would otherwise cause. Any unexplained oil discharge shall be removed by or under the direction of the commission.

II. Any person strictly liable for an oil discharge in the manner prohibited by RSA 146-A:3 shall immediately undertake to remove such discharge to the commission's satisfaction.

Amend RSA 146-A:11-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall pay the salaries and expenses of the persons specified in RSA 146-A:11, except for the

civil engineer IV and one environmentalist III, as well as the costs to implement RSA 146-A which include but are not limited to the costs of removal or corrective measures deemed necessary by the commission as a result of an actual or potential oil discharge into or onto the surface or groundwaters of the state. Not less than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharges. In the event of an oil discharge, the commission may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

Amend RSA 146-A:11-c, III as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

III. Methods for the prevention of oil discharges into or onto the surface or groundwaters of the state, including rules for expenditures on research programs under RSA 146-A:11-a, I.

Amend the bill by striking out section 28 and inserting in place thereof the following:

28 Pretreatment Standards; Governmental Entity. Amend RSA 149:4, XVI as inserted by 1973, 590:6 by striking out said paragraph and inserting in place thereof the following:

XVI. To establish and prescribe physical, chemical and biological pretreatment standards to which waste must conform before discharge into the collection system or the sewage treatment facility of a municipality or other governmental entity being served by or under order to construct a public sewage treatment facility. In establishing and prescribing pretreatment standards, the commission shall give consideration to the following:

(a) The treatment capabilities and operating efficiency of the facilities to which they apply.

(b) The discharge criteria applicable to the facility in order for it to conform to established water quality standards for the receiving water, as expressed in the discharge permit or compliance order issued to the municipality.

(c) Toxic effluent standards.

(d) Such standards as will prevent the discharge of any pollutant through the facility that interferes with, passes through without being rendered innocuous or is otherwise incompatible with the effective operation of the facility.

29 Pretreatment Standards; Governmental Entity. Amend RSA 149:4-a, I as inserted by 1973, 590:7 by striking out said paragraph and inserting in place thereof the following:

I. After the effective date of any pretreatment standards established and

prescribed by the commission pursuant to RSA 149:4, XVI, no person shall discharge into the collection system or the sewage treatment facility of any municipality or other governmental entity being served by or under orders to construct a public sewage treatment facility, nor discharge to the surface waters of the state if such person will be served by the public sewage treatment facility upon construction thereof, any waste that does not comply with the aforesaid pretreatment standards.

30 Compliance Schedule. Amend RSA 149:8, III(a) as inserted by 1973, 590:8 by striking out said subparagraph and inserting in place thereof the following:

III.(a) It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or ground water of the state without first obtaining a written permit from the commission. Applications for permits shall be made upon forms prescribed by the commission and shall contain such relevant information as the commission may require. The commission shall include in such permits effluent limitations, which may be based upon economic and technological factors, upon the classification enacted by the legislature, upon the projected best use of the surface water downstream or upon the requirements of the Federal Water Pollution Control Act as amended from time to time, and all regulations, guidelines and standards promulgated thereunder, whichever provides the most effective means to abate pollution. The commission may also prescribe such other reasonable conditions as may be necessary or desirable in order to fulfill the purposes of this chapter or applicable federal law. Such permits may contain, in the case of sources not in compliance with such effluent limitations at the time the permit is issued, compliance schedules, including interim requirements necessary or desirable in order to fulfill the purposes or requirements of this chapter or applicable federal law, and any such compliance schedules may be imposed without regard to the time limits for abatement of pollution referred to in paragraph II of this section. The commission may prescribe a monitoring program to be performed by the applicant with periodic reports to the commission, including, where appropriate in terms of the nature of the effluent, continuous monitoring. Permits shall be issued for a fixed term, not to exceed 5 years. The commission may revise, modify or suspend in whole or in part or terminate any permit, following hearing, upon a finding that just cause exists for such action. Further, whenever in its judgment the purposes of this chapter will be best served, the commission may require as a condition to the granting of such permits that either the ownership and operation of the collection and treatment facilities involved be vested in the municipality or any subdivision thereof in which the system is located, if said municipality by legal action agrees thereto, or such other reasonable conditions as will ensure continuous and continuing operation and maintenance of the facilities. No permit

shall be granted to utilize the entire assets of the surface water, or in any other case in which the commission determines that the grant of a permit would be inconsistent with the purposes of this chapter. Any determination by the commission under this paragraph shall be subject to appeal as provided for in RSA 149:14.

31 Insert Cross Reference; Certain Information not Confidential. Amend RSA 149:13, II and III as inserted by 1973, 590:9 by striking out said paragraphs and inserting in place thereof the following:

II. The commission, its employees and authorized agents shall at reasonable times have access to any records and monitoring equipment and shall have the authority to sample effluents of any person subject to RSA 149:8, III and RSA 149:4-a. Upon written request of the commission, such person shall provide to the commission such information pertaining to any activities of such person to which this chapter applies as the commission may reasonably require. Any information obtained pursuant to this section or under this chapter shall be available to the public at the offices of the commission, subject to paragraph III.

III. Any other provisions of law notwithstanding, upon a showing satisfactory to the commission by any person that any record, report, or information or any particular part thereof, to which the commission has access, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the commission shall consider such record, report, information or particular part thereof confidential, and it shall thereafter not be disclosed to the public. All financial information shall be considered confidential for purposes of this chapter. Nothing in this section shall preclude the commission from transmitting any such confidential information to any agency of the United States having jurisdiction over water pollution, provided that such agency is authorized by law to maintain the confidentiality of such information and agrees to maintain the confidentiality of any such information. In no case, however, shall effluent data, standards or limitations, names or addresses of permit applicants or permittees, nor permit applications or permits be considered confidential information.

32 Testimonial Privilege. Amend RSA 149:17 by striking out said section and inserting in place thereof the following:

149:17 Testimonial Privilege. No witness shall be excused from testifying or from producing any book or paper in any investigation or inquiry by or upon any hearing before the commission, when ordered to do so by the commission, upon the ground that the testimony or evidence, book or document required of him may tend to incriminate him; but no witness shall be prosecuted in a criminal proceeding for or on account of any act, transaction, matter or thing concerning which under oath, after claiming his privilege, he shall by order of the commission have testified or produced documentary evidence. If it can be shown that the testimony or evidence required may

be harmful to any person or may be used by his competitors, the commission by request shall conduct its hearing in a secret or confidential manner.

33 Penalty. Amend RSA 149:19, I as inserted by 1973, 590:10 as amended by striking out said paragraph and inserting in place thereof the following:

I. Any person who willfully or negligently violates any provision of this chapter; or any rule of the commission adopted pursuant to this chapter; or any condition or limitation in a permit issued under this chapter; or who knowingly makes any material false statement, representation or certification in any application, record, report, plan or other document required to be filed or maintained pursuant to this chapter or pursuant to a rule adopted by the commission under this chapter or who knowingly makes any such statement, representation or certification in connection with any permit issued under this chapter; or who knowingly renders inaccurate, falsifies or tampers with any monitoring device or method required under this chapter or rule of the commission adopted under it or required in connection with any permit issued under this chapter; or who knowingly fails, neglects or refuses to obey any lawful order of the commission, shall, notwithstanding the provisions of RSA title LXII, be punished by a fine of not more than \$25,000 for each day of such violation or imprisoned for not more than 6 months or both.

34 Purpose. Amend RSA 149-E:1 as inserted by 1967, 147:13 as amended by striking out said section and inserting in place thereof the following:

149-E:1 Declaration of Purpose. The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and ground waters of the state as defined in RSA 149 and to prevent nuisances and potential health hazards due to failed individual sewage or waste disposal systems. In exercising any and all powers conferred upon the water supply and pollution control commission under this chapter, the commission shall be governed solely by criteria relevant to the declaration of purpose set forth in this section.

35 Definitions. Amend RSA 149-E:2 by inserting after paragraph XII the following new paragraph:

XIII. "Failure" means the condition produced when a subsurface sewage or waste disposal system does not properly contain or treat sewage or causes or threatens to cause the discharge of sewage on the ground surface or into adjacent surface or ground waters.

36 Maintenance and Operation of Subsurface Septic Systems. Amend RSA 149-E by inserting after section 3-a the following new section:

149-E:3-b Maintenance and Operation of Subsurface Septic Systems. Any person who has installed or otherwise acquired a subsurface sewage or waste disposal system installed in accordance with the provisions of this chapter is required to operate and maintain said system in such a manner as to

prevent a nuisance or potential health hazard due to failure of the system. Failure to so operate and maintain shall be considered a violation of this chapter and shall be subject to the penalty as provided in RSA 149-E:7, IV. The commission or its duly authorized agents are hereby authorized to enter any and all premises at all reasonable hours for the purpose of inspecting and evaluating the maintenance and operating conditions of subsurface sewage or waste disposal facilities. As circumstances warrant, the commission or its duly authorized agents are hereby empowered to issue compliance orders in writing under the provisions of this section. Nothing in this section shall be construed to limit or modify the authority conferred upon the commission or local health officers under the provisions of RSA 147 or upon local officials certified by the commission under the provisions of RSA 149-E:6.

37 Penalties. Amend RSA 149-E:7 by inserting after paragraph III the following new paragraph:

IV. Any person neglecting or refusing to comply with the provisions of RSA 149-E:3-b shall be subject to a civil forfeiture not to exceed \$1,000 for each day of neglect or refusal after notice as provided in RSA 149-E:3-b.

38 Duties of Health Officer of a Town. Amend RSA 128:5 as amended by striking out said section and inserting in place thereof the following:

128:5 Duties; Compensation. The town health officer:

I. Shall enforce the public health laws and rules.

II. Shall make such sanitary investigations as may be directed by the local board of health, or as may be required by the division of public health services.

III. May, upon reasonable information, personal knowledge or belief, in order to safeguard public health or to prevent pollution of any aquifer or body of water, enter upon private property, but not into any living quarters, to investigate and, if necessary, take appropriate action to prevent further pollution.

IV. Shall receive for his services the compensation fixed by the selectmen or the town, except as otherwise provided.

39 Authorized Entry. Amend RSA 128 by inserting after section 5 the following new section:

128:5-a Entry Authorized for Investigation.

I. A health officer of a town or his agent shall not be guilty of criminal trespass pursuant to RSA 635:2 when conducting an investigation of sanitary conditions on private property without the consent of the owner, regardless of whether or not the property is designated a secured premises.

II. The authority to enter private property without the consent of the owner for investigation of sanitary conditions does not include the right to enter into any living quarters situated on private property.

40 Effective Date.

I. Sections 28, 29, 30, 31, 32 and 33 of this act shall take effect January 1, 1986.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees on the Part of the Senate:

Sen. Wiggins, Dist. 8, Sen. Preston, Dist. 23 and Sen. Hounsell, Dist. 2.

Conferees on the Part of the House:

Rep. Chardon, Coos 6, Rep. Whittemore, Merr. 10, Rep. Blair, Graf. 8 and Rep. Schwartz, Ches. 13.

Report adopted.

SENATE MESSAGE NONCONCURS REQUESTS NEW COMMITTEE OF CONFERENCE

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police.

The President appointed Sens. Dupont, Lessard and Podles.

Rep. Rounds moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Rounds, Arthur Locke, Beverly Gage and Clancy.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 32-FN, An Act an omnibus bill relative to public protection having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 270:30 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

270:30 Minimum Age for Operation. No person under the age of 15 years shall operate upon the public waters of the state a motorboat or outboard motor having power in excess of 25 horsepower unless he is accompanied by an adult, and such adult shall be liable for personal injury or property damage which may result from such operation. Whoever violates this section shall be guilty of a violation.

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Spectacle Pond. Amend RSA 486 by inserting after section 22 the following new section:

486:23 Spectacle Pond. No person shall use or operate any motorboat or any boat equipped with an outboard motor with a

manufacturer's rated capacity in excess of 7.5 horsepower, nor shall any person exceed a headway speed of 10 miles per hour with any motorcraft upon the waters of Spectacle Pond in the towns of Groton and Hebron. No person shall use or operate jet skis upon the waters of Spectacle Pond in the towns of Groton and Hebron. Whoever violates the provisions of this section shall be guilty of a violation. The department of safety shall post this section at the public landing.

8 Water Supply and Pollution Control Commission Testing.

I. The water supply and pollution control commission shall conduct appropriate testing to determine the effects of continued use of petroleum powered boats on Spectacle Pond in the towns of Groton and Hebron.

II. The water supply and pollution control commission shall commence with the testing on June 17, 1985, and at that time shall post the pond declaring it to be a test pond until September 16, 1985. The department of safety is authorized to prohibit all petroleum powered motorcraft from Spectacle Pond from June 17, 1985, until September 16, 1985. In the event of such a ban the department of safety may, upon application, issue hardship permits to persons physically handicapped as defined in RSA 275-B:10, III and to landowners whose property abuts Spectacle Pond and is not served by an access road.

III. Any person who is issued a hardship permit shall only be allowed to travel by petroleum power directly to and from the public landing to his property or to contiguous property. The operator of the exempted boat shall present such a permit to anyone who requests to inspect it.

IV. The department of safety shall enforce the ban of petroleum powered motorcrafts on Spectacle Pond in the towns of Groton and Hebron during the time of the test. Whoever violates any provisions of this section shall be guilty of a violation.

V. The results of such tests under paragraph II shall be forwarded to the chairman of the senate committee on development, recreation and environment, to the governor and council, and to the chairman of the house committee on public protection and veterans affairs.

9 Automatic Fire Warning. Amend RSA 153:10-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding the provisions of this section, public or private hospitals, residential health care facilities, or county nursing homes shall be exempt from the requirements of this section until March 1, 1986.

10 Jet Skis. Amend RSA 270 by inserting after section 30 the following new section:

270:30-a Jet Skis. No person under 15 years of age shall operate jet skis on any waters of the state; nor shall any person operate or allow another person to operate jet skis within 150 feet of one another, other boats or the shore. Any person operating jet skis shall wear a personal flotation device which is Coast Guard

approved type 1 or 2. The owner of any jet ski in violation of this section may be subject to loss of the boat registration for the jet skis and the operator in violation of this section shall be guilty of a violation.

11 Effective Date.

I. Sections 3, 4, 5 and 6 of this act shall take effect 60 days after its passage.

II. Sections 8, 9 and 10 of this act shall take effect upon its passage.

III. Section 7 of this act shall take effect September 17, 1985.

IV. The remainder of this act shall take effect July 1, 1985.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10, Sen. Hounsell, Dist. 2 and Sen. Wiggins, Dist. 8.

Conferees on the Part of the House:

Rep. Benton, Rock. 5, Rep. Welch, Rock. 10, Rep. Ellyson, Rock. 9 and Rep. Dionne, Straf. 5.

Report adopted.

SENATE MESSAGES ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 118, relative to sunset review of division of legal counsel.

The President appointed Sens. Boyer, Chandler and Freese.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor.

The President appointed Sens. White, Chandler and Lessard.

HB 708, relative to the indigent defense program.

The President appointed Sens. Boyer, Chandler and Charbonneau.

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 35, relative to medical review committee reports.

SB 130-FN, providing for a moose hunting season.

GOVERNORS VETO SUSTAINED

HB 4, establishing a new formula for distributing foundation aid to school district.

Rep. Tucker, for the House of Representatives, offered the following:

HOUSE RESOLUTION NO. 41

memorializing former Representative George A. Soucy of Manchester.

WHEREAS, we have learned with sorrow of the death of former Representative George A. Soucy, and

WHEREAS, George A. Soucy, between 1977 and 1984, served four consecutive terms in

the New Hampshire House of Representatives, faithfully serving his constituents in the thirty-fifth District of Hillsborough County, and

WHEREAS, George A. Soucy served devotedly on the Standing Committees for Claims, Military and Veterans Affairs; Municipal and County Government; and Transportation, earning the respect of his colleagues, and

WHEREAS, George A. Soucy served as the Assistant Minority Leader of the New Hampshire House of Representatives, and as Chairman of the Manchester Legislative Delegation, and

WHEREAS, George A. Soucy was an energetic and devoted member of numerous civic and fraternal organizations including the Manchester Retirement Board, Ward Eight Democratic Committee, Knights of Columbus, Disabled American Veterans, Veterans of Foreign Wars, American Legion, and American Association of Retired Persons, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of sympathy be extended to the family of George A. Soucy, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

RECESS

(AFTER RECESS)

COMMITTEE OF CONFERENCE REPORT

HB 23, relative to penalties for violations in connection with the taking of marine species. (Report printed SJ 5/28)

Rep. Albert Dionne yielded to questions.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 45, relative to licenses issued by the department of fish and game. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 103, relative to sunset review of the sweepstakes commission. (Report printed SJ 5/28)

Rep. Kenneth MacDonald explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 112, relative to sunset review of port authority. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 296, relative to the disorderly conduct law. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 351, relative to increasing the appropriation for construction and improvements to the central New Hampshire turnpike. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 406, relative to chronic disease prevention, assessment, and control and making an appropriation therefor. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 434, relative to missing children and making an appropriation therefor. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 505, relative to the office of ombudsman within the state council on aging. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 579, relative to regulation of manufactured housing parks. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 677, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 694, relative to welfare changes and making an appropriation therefor. (Report printed SJ 5/28)

Rep. Sochalski explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 756, relative to the hazardous waste cleanup fund. (Report printed SJ 5/28)

Rep. Daniell spoke against the report.
Rep. Bowler explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 708, relative to the indigent defense program. (Report printed SJ 5/28)

Rep. Sytek explained the report.
Report adopted.

SENATE MESSAGE
SUSPENSION OF JOINT RULES FOR
INTRODUCTION OF SENATE BILL
REQUESTS CONCURRENCE

SB 222, relative to state employee and judicial salaries and making an appropriation therefor.

ENROLLED BILLS AMENDMENT

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.

Amendment

Amend the bill by striking out all after the section 3 entitled "Plumbers Board; Water Supply and Pollution Control" and inserting in place thereof the following:

4 Repeal. The following are hereby repealed:

I. RSA 329-A:14-a, relative to plumbing inspectors.

II. RSA 330:7, relative to rules and regulations.

III. RSA 330:10, relative to penalties.

IV. RSA 330:11-15, relative to the state plumbing code.

5 Effective Date. This act shall take effect 60 days after its passage.

This amendment renumbers the sections of the bill to correct a numbering error and deletes a duplicate effective date section.

Adopted.

RECESS

(AFTER RECESS)

VETO MESSAGE ON HB 573

To All Members of the General Court

I regret that I must veto HB 573, relative to Class II highways. Subsequent to my review, and consistent with the revised position of the prime sponsor of the bill, it is clear that the ramifications of the legislation do more than simplify the statutes as was the stated intent.

I believe, as does the sponsor, that this matter warrants further review for consideration in the next session. Therefore, as requested by the sponsor, I vetoed this legislation.

It is unfortunate that the dedication of a bridge in Hopkinton for Leroy R. Kimball,

the naming of a portion of Route 16 for Senator Laurier Lamontagne, and the naming of a bridge in Newton on behalf of Captain John F. Rowe, of the United States Navy, were included in this particular bill. Each of these provisions has significant merit. It is my hope and understanding that these measures will be implemented in legislation to follow.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 573 pass.

Reps. Bibbo, Rounds and Chambers spoke against.

(Speaker presiding)

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YEAS 19

BELKNAP: Pearson.

CARROLL: Powers.

CHESHIRE: Ramsay.

COOS: York.

GRAFTON: Copenhaver, Easton, Hutchings and LaMott.

HILLSBOROUGH: O'Rourke.

MERRIMACK: James Chandler.

ROCKINGHAM: Case, Connors, Elizabeth Greene, Newman, Sochalski, Tufts and Vaughn.

STRAFFORD: Albert Dionne.

SULLIVAN: McKee.

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BELKNAP: Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen and James J. White.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio and Schofield.

CHESHIRE: Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Morse, Parker, Perry, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Mayhew, Ottolini and Theriault.

GRAFTON: Bean, Bennett, Blair, Chambers, Christy, Crory, Densmore, Driscoll, Michael King, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Bergeron, Bernier, Robert Blanchette, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Champagne, Charron,

Chretien, Clancy, Cote, Cox, Cronin, Crotty, William Dion, Duperron, Durant, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hendrick, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, George Jones, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, Bonnie Packard, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Frances Riley, Ellen Ann Robinson, Philip Rodgers, Sallada, Shriver, B.P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Turgeon, Van Loan, Vanderlosk, Varkas, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whitemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Connolly, Daniell, Fraser, Hager, Hayes, Mary Holmes, Alf Jacobson, Jolley, C. William Johnson, Kidder, Lewis, Arthur Locke, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Walter Robinson, Linwood Rogers, Savaria, Shepard, Stio, Wallner, West and James Whitemore.

ROCKINGHAM: Benton, Blaisdell, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Conroy, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Mace, Magoon, Malcolm, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Schmidtchen, Seward, Sherburne, Skinner, Sloan, Splaine, Stachowske, Sytek, Titone, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Burton, Chamberlin, Dingle, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Lussier, Meader, O'Brien, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, Mehegan, Normandin, Rodeschin, Schotanus and Spaulding, and the veto was sustained lacking the constitutional requirement of two-thirds.

Rep. Hollingworth notified the Clerk that she wished to be recorded in favor of sustaining the Governor's veto.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit introduction of a Senate Bill after the deadline.

Reps. Chambers and Rounds spoke against the motion.

Motion lost lacking the necessary two-thirds.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 29 at 10:00 a.m.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 2:30 p.m.

RECESS

(Rep. Chardon in the Chair)

ENROLLED BILLS REPORT

HB 155, relative to sunset review of the governor's commission for the handicapped.

HB 182, relative to sunset review of office of ombudsman.

HB 208, relative to penalties for violations of the planning and zoning statutes.

HB 222, legalizing annual meetings of the New London water system precinct and the town of New London.

HB 229, relative to safe and adequate septic systems.

HB 276, relative to powers of attorney.

HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of a dam or lowering water level of a pond or lake.

HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems.

HB 420, relative to proceeds from furbearers confiscated or acquired by the department of fish and game.

HB 478, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses.

HB 512, relative to cease and desist orders by the bank commissioner.

HB 521, relative to the powers of the public utilities commission.

HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 552, relative to nurse practitioner reimbursement.

HB 556, relative to the classification of highways.

HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days.

HB 665, relative to the definition of "legal custody" for educational purposes.

HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations.

HB 705, establishing an approval and certification system for water supply and environmental testing laboratories.

SB 81, establishing a probationary license for "at risk" drivers.

HB 56, permitting the annulment after 7 years of criminal records for possession of a controlled drug and for certain sex offenses against minors.

HB 110, relative to sunset review of the division of vocational rehabilitation.

HB 160, relative to sunset review of the air resources agency.

HB 258, relative to the motor vehicle laws and modifying the expiration date of hazardous waste licenses issued by the commissioner of safety.

HB 503, relative to delinquent trappers' reports.

HB 507, relative to damages paid by the department of fish and game.

HB 614, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds.

HB 633, relative to school building authority.

HB 651, relative to screening for long term care.

HB 715, relative to group insurance for part-time employees.

HB 716, relative to the land use change tax.

SB 2, relative to child victims and child abuse.

SB 72, relative to civil penalties for bad checks.

SB 109, relative to appointment of members to the housing finance board.

SB 156, relative to the definition of a "way."

SB 204, establishing a New Hampshire public employee safety act.

SB 206, relative to school building aid for the Conway school district.

Rep. James A. Chandler

Sen. Rhona M. Charbonneau

For the Committee.

ENROLLED BILLS REPORT

HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester.

Rep. James A. Chandler

Sen. Mark Hounsell

For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 27

Wednesday, 29 May 85

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Heavenly Father, who forgets not a one of us, amidst the confusion of when to observe Memorial Day, help us be resolved to keep a time of remembering our loved ones and all those who have served our State. Especially today we remember with thanksgiving the past members of this House who for 166 years have filled this room with their concerns for our State. Guide us in remembering that we will not have to make the same mistakes again but may build on the wisdom of those we pause to honor. Let our work today be recorded as a positive addition to their sacred memory. Amen.

Rep. Felch led the Pledge of Allegiance.

Rep. Mary Chambers provided an organ accompaniment for the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Kohl, Howard Townsend, Mann and Anderson, the day, illness.

Reps. Frink, Cote, Secord, Zeckhausen, Gerald Smith, Clay, Millard, Allgeyer, Nagel, Hardy, Wallner, Dwyer, Pellow, Reardon, Lionel Boucher, Burton, Mayhew, Michael Jones and Donovan, the day, important business.

Rep. Nichols, the day, death in the family.

Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF A GUEST

The Speaker introduced David Courson, National Director of the Christian Fellowship.

INTRODUCTION OF FURTHER GUESTS

Kris Courson, wife of David Courson, guests of House Chaplain, David W. Bell; Jack Heeney and his mother Carol, guests of Rep. Sochalski; students from the Pittsfield Elementary School with their teacher, Miss Haden; Dr. Richard Lalley, guest of Reps. Lown and Holden; Harriette and Joy Hendrickson, guests of Reps. Easton and Holden; William Silverstein, guest of Rep. Tamposi.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 39, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor.

HB 64, limiting the liability of persons aiding crime victims.

HB 124, relative to sunset review of aeronautics commission administration and support.

HB 126, relative to sunset review of state office administration.

HB 148-FN, relative to sunset review of industrial development authority.

HB 186, relative to the licensing of home health care providers and making an appropriation therefor.

HB 288, relative to the duties and responsibilities of the department of administrative services.

HB 318, relative to mortgage escrow accounts and jointly held safe deposit boxes.

HB 283, continuing nursing home cost incentive programs.

SB 8, clarifying the water supply and pollution control commission's rulemaking enforcement authority.

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money.

SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions.

SB 170, enabling the liquor commission to lease space in its stores for placing automatic teller machines.

SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions.

SB 32, an omnibus bill relative to public protection.

SB 118-FN, relative to timely filing of returns under the meals and rooms tax.

SB 134, relative to highways to public waters.

SB 209, relative to raffles.

SB 198, relative to the adoption statutes.

OPINION OF THE JUSTICES

The following resolution (HR 29) adopted by the House of Representatives on March 30, 1985, was filed in this court on April 8, 1985:

WHEREAS, in 1983 the New Hampshire Supreme Court stated that it should be reluctant to reconsider the validity of the doctrine of sovereign immunity 'until the legislature has been given an opportunity to correct the present procedural and financial inadequacies of statutes relating to sovereign immunity,' *State v. Brosseau*, 124 N.H. 184, 192 (1983); and

WHEREAS, HB 440 has been introduced and amended by the judiciary committee of the house of representatives and is now pending before the house of representatives; and

WHEREAS, HB 440, as amended, waives the immunity of the state with respect to claims against the state and its employees to a

maximum recovery of \$250,000 per claimant and \$2,000,000 per incident with certain specified exceptions; and

WHEREAS, the intention of HB 440, as amended, is to provide a comprehensive procedure for bringing claims against the state and its employees and to address the procedural and financial inadequacies of existing legislation; RSA 541-B; and

WHEREAS, in the view of the house of representatives HB 440, as amended, provides a reasonable system of compensation to satisfy the claims of persons injured by the negligent acts of state officers or employees while preserving the integrity of necessary governmental functions and decision-making; and

WHEREAS, questions have been raised concerning the constitutionality of this legislation; be it

RESOLVED by the House of Representatives: That the justices of the Supreme Court are respectfully requested to give their opinion upon the following questions of law:

1. Is it permissible under Part I, Article 14 of the New Hampshire Constitution for the state to impose limitations on recovery by a person injured by the negligent acts of a state official or employee?

2. If the answer to question one is in the affirmative, are the limitations on recovery set forth in HB 440, as amended, permissible under the New Hampshire Constitution?

"That the clerk of the house of representatives transmit copies of this resolution to the justices of the New Hampshire Supreme Court."

The following answer was returned:

To the House of Representatives:

The undersigned Justices of the Supreme Court submit the following reply to your request for an opinion as to the constitutionality of the provisions of House Bill No. 440 (HB 440), as amended. Interested parties were permitted to file memoranda with the court until April 19, 1985.

I. Introduction

"The doctrine of sovereign immunity is deeply entrenched in this jurisdiction." *Krzyształowski v. Fortin*, 108 N.H. 187, 188, 230 A.2d 750, 751 (1967). ("The State is . . . immune from suit in its courts (unless it) consent(s) . . ." *Sousa v. State*, 115 N.H. 340, 342, 341 A.2d 282, 283 (1975). Hence, absent consent, the State is not subject to suit for the tortious conduct of its agents. See, e.g., *Dunaisky v. State*, 122 N.H. 280, 282, 444 A.2d 532, 534 (1982) (negligence claim of police officer against State hospital for injuries inflicted by escapee of hospital barred); *Niles v. Healy*, 115 N.H. 370, 371-72, 343 A.2d 226, 227-28 (1975) (negligence claim of State liquor store patron for injuries arising from slip on ice outside store

barred): *Sousa v. State*, supra at 345, 341 A.2d at 285-86 (negligence claim for injuries resulting from collapse of State owned and maintained bridge barred). At common law, "municipal corporations (were similarly) immune from liability for torts arising out of negligence in the performance of governmental functions," *Opinion of the Justices*, 101 N.H. 546, 548, 134 A.2d 279, 280 (1957), but not of proprietary functions, *Merrill v. Manchester*, 114 N.H. 722, 726, 332 A.2d 378, 381 (1974).

Despite the firmly established position of the sovereign immunity doctrine, this court increasingly has criticized and expressed doubts as to the validity of its various aspects. Chief Justice Kenison writing for the court in *Krzyształowski v. Fortin*, supra at 189, 230 A.2d at 752, stated, "the writer of this opinion . . . takes a dim view of governmental immunity." In *Merrill v. Manchester*, supra at 729, 332 A.2d at 383, this court significantly altered the common law immunity of municipalities by abolishing the governmental-proprietary function distinction. Most recently, in *State v. Brosseau*, 124 N.H. 184, 193-203, 470 A.2d 869, 875-81 (1983), Justices Douglas and Batchelder in a special concurrence urged the court to hold unconstitutional the statutes conferring immunity on the State.

In *State v. Brosseau* supra, the opinion of the court stated that judicial action on the validity of the doctrine of sovereign immunity should be deferred "until the legislature has been given an opportunity to correct the present procedural and financial inadequacies of statutes relating to sovereign immunity." *State v. Brosseau*, supra at 192, 470 A.2d at 874. Similarly, in *Tilton v. Dougherty*, 126 N.H. _____, _____ A.2d _____, _____ (decided March 27, 1985), Justice Brock, writing for the court, stated, "whatever future the [sovereign immunity] doctrine may have depends on the merits of the legislative response to the widespread dissatisfaction with it."

As the resolution certifying the bill to our consideration makes clear, HB 440 is a legislative response to the increasing criticism of the sovereign immunity doctrine. HB 440 addresses this criticism by, among other things: (1) preserving the sovereign immunity of the State and the official immunity of its officials and employees except where the bill or other legislation waives the immunities; (2) waiving these immunities for claims by persons injured by negligent acts of State employees, subject to certain exceptions and restrictions; (3) establishing procedures for the adjudication of such claims; and (4) limiting the damages recoverable against the State to a maximum of \$250,000 per claimant and \$2,000,000 per incident.

In certifying HB 440 for our opinion, the House of Representatives asks us the following two questions:

"1. Is it permissible under Part I, Article 14 of the New Hampshire Constitution

for the state to impose limitations on recovery by a person injured by the negligent acts of a state official or employee?

"2. If the answer to question one is in the affirmative, are the limitations on recovery set forth in HB 440, as amended, permissible under the New Hampshire Constitution?"

In presenting our opinion, we address, first, the constitutional principles at issue, and, second, the specific provisions of HB 440.

II. The Constitution

Part I, article 14 of the State Constitution provides:

"Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws."

"The purpose of (this provision) is to make civil remedies readily available, and to guard against arbitrary and discriminatory infringements on access to courts." *Estate of Cargill v. City of Rochester*, 119 N.H. 661, 665, 406 A.2d 704, 706 (1979).

Our constitution guarantees State citizens equal protection under the law. N.H. CONST. pt. I, arts. 2 and 12. Principles of equal protection are intended to ensure that persons similarly situated are similarly treated by government. See *Gazzola v. Clements*, 120 N.H. 25, 29, 411 A.2d 147, 151 (1980). Under the equal protection provisions, "the right to recover for personal injuries is . . . an important substantive right." *Carson v. Maurer*, 120 N.H. 925, 931-32, 424 A.2d 825, 830 (1980). Accordingly, legislative classifications of that right "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation" in order to satisfy State equal protection guarantees." *Id.* at 932, 424 A.2d at 830-31 (quoting *State v. Scoville*, 113 N.H. 161, 163, 304 A.2d 366, 369 (1973) (citations omitted)).

"The continued existence of any application of the doctrine of sovereign immunity depends upon whether the restrictions it places on an injured person's right to recovery be not so serious that (they) outweigh() the benefits sought to be conferred upon the general public." *State v. Brosseau*, 124 N.H. 184, 197, 470 A.2d 869, 878 (1983) (Douglas and Batchelder, JJ., concurring specially). We therefore identify the policy considerations that support and those that oppose the continuation of the immunity doctrine.

Four considerations support continuation of the immunity doctrine. First, exposure to liability would force the State to obtain funds to satisfy, process, and insure against claims against the State by either increasing revenues or diverting funds from other uses. See *State v. Brosseau*, *supra* at 197-98, 470 A.2d at 878 (Douglas and Batchelder, JJ., concurring specially); W. Prosser, *Handbook of the Law of Torts* 131, at 975 (4th ed. 1971). If the State incurred significant liability, the payment of these costs could impair the financial ability of the State to render governmental services. Second, exposure to liability for the State's tortious performance of functions that it alone can perform, such as law enforcement, in a sense, would penalize the State for undertaking these obligations. See *State v. Brosseau*, 124 N.H. at 200-02, 470 A.2d at 880-81 (Douglas and Batchelder, JJ., concurring specially). Unlike an individual or private entity, which can select its activities to minimize its liability exposure, the State may not eschew certain functions, even if the attendant liability exposure is onerous. Third, exposure to liability could inhibit the ability of the legislature and the executive to exercise effectively their discretion. See *id.*; *Lipman v. Brisbane Elementary Sch. Dist.*, 55 Cal.2d 224, 229-30, 11 Cal. Rptr. 97, 99, 359 P.2d 465, 467 (1961); *DuBREE v. Commonwealth*, 393 A.2d 293, 295, (Pa. 1978). To allow persons to challenge a governmental policy on the ground that it was negligently developed would force courts to re-evaluate the policy's wisdom and thus to invade the prerogatives of the legislature and the executive. See N.H. CONST. pt. I, art. 37 (separation of powers). Finally, exposure to liability for the judiciary's negligent disposition of suits would greatly impair the ability of the courts to render final judgments and could undermine the confidence in the court system that is essential to its effective operation. See K. Davis, *Administrative Law Treatise* 25.13, 25.16 (1958).

Against these four considerations must be weighed the constitutional principle "that all citizens have a right to the redress of their actionable injuries" and the policy that a person or entity that "unreasonably interferes with the interests of another should be liable for the resulting injury." *Gould v. Concord Hospital*, 126 N.H. _____, _____ A.2d _____, _____ (decided April 18, 1985); N.H. CONST. pt. I, art. 14. Also supporting abrogation of the immunity doctrine is the fact that its historical justifications are no longer sound. See *Merrill v. Manchester*, 114 N.H. 722, 724-26, 332 A.2d 378, 380-81 (1974).

The scope of the legislature's authority to immunize the State from tort liability depends on a balancing of the considerations supporting and opposing continuation of the immunity doctrine. In *Merrill v. Manchester*, *supra*, this court abolished the rule that a municipality is immune from liability for torts arising from its performance of

governmental, but not proprietary, functions. The court stated that the availability of insurance, the likelihood that liability exposure would encourage responsible government, and the principle that a party should be liable for the injuries it causes others militate against governmental immunity. *Id.* at 728-29, 332, A.2d at 383. The court measured these considerations against the need to foster effective operation of the judicial, legislative, and policy-making functions of municipal governments. The court established a balance between these two sets of considerations by extending a municipality's potential liability to include liability for its torts not arising from "acts or omissions constituting (a) the exercise of a legislative or judicial function, (or) (b) the exercise of an executive or planning function involving the making of a basic policy decision which is characterized by the exercise of a high degree of official judgment or discretion." *Id.* at 729, 332 A.2d at 383. We find the analysis of *Merrill* helpful.

As the opinions in *State v. Brousseau*, 124 N.H. 184, 470 A.2d 869 (1983), and *Tilton v. Dougherty*, 126 N.H. _____, A.2d _____ (decided March 27, 1985), reveal, this court is not unanimous in assigning relative weight to the considerations urged in support of and in opposition to the doctrines of sovereign and official immunity. Some members of the court would rest the constitutional analysis in this case on the ground that any assertion of sovereign or official immunity is presumptively unconstitutional, but nonetheless justifiable within certain limits. For these members of the court, immunity would be justifiable with respect to claims arising from "acts or omissions constituting (a) the exercise of a legislative or judicial function, (or) (b) the exercise of an executive or planning function involving the making of a basic policy decision which is characterized by the exercise of a high degree of official judgment or discretion." *Merrill v. Manchester*, 114 N.H. at 779, 332 A.2d at 383. All but one of these members of the court would also recognize the possibility of an assertion of immunity in certain other cases in the form of reasonable limits on recovery.

Other members of the court would assign a greater relative weight to the considerations favoring immunity, and would decline to begin the analysis by recognizing any broad presumption against the constitutionality of the immunity doctrines. These members of the court would agree that immunity should be recognized in the instances described in the foregoing quotation from *Merrill*, and would likewise recognize that reasonable dollar limitations on recovery are constitutional.

Thus despite different starting points, the court is unanimous in its judgments concerning all but one of the basic features of the amended bill. Moreover, the court is unanimous in finding that the bill would create certain equal protection problems by its proposed demarcation between protected

and unprotected activities. The practical result is either a majority or unanimity within the court on the results of applying constitutional analyses to the bill. With this background, we turn to consider the provisions of the bill in detail.

III. House Bill 440

In reviewing the bill, we confine our attention to three of its aspects: A. the substantive scope of liability imposed on the State; B. the notice required to be given the State before a claim against the State may be filed; and C. the limits set on damages recoverable against the State.

A. Substantive Scope of Liability

HB 440 proposes to withdraw the shield of sovereign immunity to allow against the State actions alleging a "request for monetary relief for bodily injury, death or property damages caused by the failure of the state or state officers, trustees, officials, employees, or members of the general court to follow the appropriate standard of care when that duty was owed to the person making the claim." (Proposed RSA 541-B:1, II-a.) The bill thus allows negligence actions to be maintained against the State for the above-specified types of injuries. Complementing and qualifying this allowance of negligence claims are six provisions retaining the State's immunity under certain circumstances. To determine whether the substantive scope of liability imposed on the State is constitutionally sufficient, we consider, first, the constitutionality of limiting actionable injuries to "bodily injury, death or property damages," and, second, the constitutionality of the six provisions detailing the circumstances under which the immunity of the State is retained.

By authorizing recovery only for "bodily injury, death or property damages," the bill denies recovery for otherwise actionable injuries, including emotional distress, loss of consortium, interference with economic relations, and invasion of privacy. We see no basis for excluding recovery for these injuries, while allowing recovery for the specified injuries. The State's interest in minimizing its liability does not depend on the nature of the injury inflicted; nor does the plaintiff's interest in obtaining recovery necessarily depend on the nature of the injury suffered. A plaintiff whose car has been damaged due to the negligence of a State employee cannot rationally be said to be more entitled to relief than a plaintiff who has suffered the emotional trauma of witnessing a loved one negligently injured or killed at the hands of that same employee. We therefore find that the State may not authorize recovery for certain injuries, to the exclusion of others.

We next address the six provisions in HB 440 that specify the circumstances under which the State retains its immunity. To opine on their constitutionality, we address the provisions in turn.

1. Proposed RSA 541-B:19, I(a)
 "Any claim which is based upon the exercise of a legislative or judicial function."

The effective exercise of legislative discretion and the ability of the courts to render final judgments and to maintain confidence in the judiciary would be greatly impaired by exposure to liability for the tortious exercise of legislative or judicial functions. Continuing the immunity in these areas is therefore permissible.

2. Proposed RSA 541-B:19, I

"Any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the state or any state agency or a state officer, employee, or official acting within the scope of his office or employment."

In the broad spectrum of official actions that can be called discretionary, there is a point at which the exercise of discretion is no longer characterized by a choice of policy and becomes simply a choice of means to implement policy. As to the former type of actions, the members of this court are not prepared to state the extent to which the legislature may immunize the State and its officials from tort liability. We recognize, however, that under the constitutional principle of separation of powers, N.H. CONST. pt. I, art. 37, certain actions of the executive are clearly immune. For these actions, we adopt the following test:

"When the particular conduct which caused the injury is one characterized by the high degree of discretion and judgment involved in weighing alternatives and making choices with respect to public policy and planning, governmental entities should remain immune from liability. . . .

Whitney v. Worcester, 373 Mass. 208, 217-19, 366 N.E. 2d 1210, 1216 (1977). We therefore would uphold this provision to the extent that it immunizes the State in its exercise of an executive or planning function involving the making of a basic policy decision that is characterized by a high degree of official judgment or discretion. We render no opinion on the constitutionality of this provision to the extent that it confers immunity broader than that contemplated in the standard recited above.

3. Proposed RSA 541-B:19, I(d)

"Any claim arising out of an intentional tort, including assault, battery, false imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous relations, or interference with contractual relations."

Among HB 440's limitations on the tort liability of the State, this provision's conference of intentional tort immunity is the most sweeping. Although we would uphold the constitutionality of this provision if its application were narrower, we find the present version overly broad.

In balancing the citizen's constitutional right to the redress of his actionable injuries against the State's interest in limiting its tort liability, we believe that the State may immunize itself and its officials from intentional tort liability whenever the offending State employee acted under a reasonable belief that his conduct was authorized by law. Liability should arise only if the employee did not reasonably believe in the lawfulness of his conduct. As is more fully discussed below, we would so circumscribe the potential liability of the State because unbridled liability exposure in our view would discourage diligent service on the part of State personnel and thus would impair the functioning of State government.

The functioning of government necessarily entails certain personally intrusive actions by the State, such as the making of arrests, the condemnation of property, or the garnishment of wages. Because these intrusions are almost always intentional, such an intrusion, if not authorized by law, may well constitute an intentional tort.

Although we fully expect government personnel to be familiar with and to conform their conduct to the law, we recognize that unfamiliarity with the subtler nuances of the law may occasionally lead State personnel to overstep its bounds and thereby to injure unlawfully the interests of a third party.

To hold the State liable when the employee or official reasonable believes that his conduct conforms to the law would in our opinion have a chilling effect on the morale and motivation of government personnel. Given the societal importance of maintaining vigilant government personnel, we believe that the State is not constitutionally compelled to expose itself to liability for intentional torts committed by government officials or employees who act under a reasonable belief in the lawfulness of their conduct.

We do not find a similarly compelling rationale for insulating the State from liability for intentional torts not grounded on a reasonable belief in the lawfulness of the disputed act. We therefore conclude that, in such instances, the citizen's constitutional right to the redress of injuries prevails.

We recognize that exposing the State to even this limited liability for its intentional torts sharply breaks with precedent. We note, however, that the window of liability opened by our construction of HB 440 is small. The State's liability in tort is vicarious. To establish the State's intentional tort liability, a plaintiff thus must prove that the offending State employee not only lacked a reasonable belief in the lawfulness of his conduct, but also acted within the scope of

his employment. See Chalmers v. Harris Motors, 104 N.H. 111, 116, 179 A.2d 447, 451 (1962). Establishing both of these elements in most instances should prove a difficult task. If both elements can be proved, imposition of liability on the State, however, is the only just recourse.

4. Proposed RSA 541-B:19, I(b)

"Any claim based upon an act or omission of a state officer, employee, or official when such officer, employee, or official is exercising due care in the execution of any statute or any rule of a state agency."

This provision's retention of sovereign immunity in instances where State employees or officials act with reasonable care does not affect the State's exposure to liability. As we have previously discussed, liability for negligence will arise only on the failure of an employee to exercise reasonable care and for an intentional tort only on the failure of an employee to act under a reasonable belief in the lawfulness of his conduct. We can imagine no circumstances under which an employee's exercise of reasonable care would create tort liability on the part of the State. This provision therefore raises no apparent constitutional problems.

5. Proposed RSA 541-B:19, I(e) and (f)

"Any claim arising in respect to the assessment or collection of any tax, or the lawful detention of any goods or merchandise by any law enforcement officers."

"Any claim arising out of the ownership, occupation, maintenance, or operation of public sidewalks, streets, highways, or publicly owned airport runways or taxiways."

The sweeping immunity conferred by these provisions is not constitutionally justifiable. We believe that the State's interest in minimizing its liability exposure is adequately served by retention of the State's immunity for injuries caused in the exercise of a legislative, judicial, or planning function, and for intentional torts based on a reasonable belief in the lawfulness of the offensive act. If the legislature wishes to further insulate the State from the consequences of its tortious conduct, it must employ measures that do not purport to reduce the substantive scope of the State's liability. We therefore believe that the constitution prohibits retention of the immunity recited in the provisions above.

B. Statute of Limitation and Notice of Claim Requirement

HB 440 proposes to amend RSA 541-B:14, 1V to provide:

"Any claim submitted under this chapter shall be brought within 6 years of the date of the alleged bodily injury or property damage or the wrongful death

resulting from bodily injury; provided, however, that the agency is notified by mail within 180 days of the alleged bodily injury or property damage sustained by the claimant. Such notification may be made either by the claimant or an appropriate representative of the claimant."

The bill thus establishes a six-year limitations period and a six-month notice of claim period. We address these two provisions in turn.

Because "(i)t is manifestly unfair to foreclose an injured person's cause of action before he has had a reasonable chance to discover its existence," French v. R. S. Audley, Inc., 123 N.H. 476, 479, 464 A.2d 279, 282 (1983), we have construed various limitations statutes to begin to run when the plaintiff knows, or, in the exercise of reasonable care, should know, that he has suffered an injury and that it may have been caused by the defendant. Id. at 480, 464 A.2d at 282 (tortious property damage); Carson v. Maurer, 120 N.H. 925, 936, 424 A.2d 825, 833 (1980) (medical malpractice); Raymond v. Eli Lilly & Co. 117 N.H. 164, 174-75, 371 A.2d 170, 176-77 (1977) (drug products liability); McKee v. Riordan, 116 N.H. 729, 730-31, 366 A.2d 472, 473 (1976) (legal malpractice). We see no reason justifiable, under an equal protection analysis, for denying persons injured by the State this rule's protection. We therefore find that the "discovery rule" governs the accrual of causes of action under this limitations provision. Since the limitations period is otherwise equivalent to the period accorded personal injury actions against private tortfeasors, RSA 508:4, it raises no other constitutional issues.

The notice of claim provision has two purposes: to allow the State to investigate claims promptly after an injury, and to permit the State to pursue settlement negotiations prior to the institution of suit. See Johnson v. City of Fairbanks, 583 P.2d 181, 187 n.19 (Alaska 1978). Although these are permissible objectives, the loss of rights of action for failure to satisfy the notice requirement is a penalty grossly disproportionate to these intended benefits. We therefore uphold the provision to the extent that noncompliance does not result in forfeiture of any rights of action against the State. Viewed in this light, the provision's language is directory, not mandatory or jurisdictional. Only by thus reading the statute are the interests of the plaintiff, as well as those of the State protected. Cf. Reich v. State Highway Dep't, 386 Mich. 617, 623-24, 194 N.W.2d 700, 702 (1972) (sixty-day notice provision violated federal and state constitutions); Turner v. Staggs, 89 Nev. 230, 235, 510 P.2d 879, 882-83 (six-month notice provision violated federal constitution), cert. denied, 414 U.S. 1079 (1973).

The same reasoning that we have applied to the six-month notice provision requires us to strike down the bill's provision limiting interest on judgments against the

State to the period following judgment. (Proposed RSA 541-B:14, III) RSA 524:1-b provides generally that interest shall run from the date of the writ. We see no basis for distinguishing between the State or its officials and other defendants on this matter.

C. Damage Limits

HB 440 proposes to amend RSA 541-B:14, I to provide:

"All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed \$250,000 per claimant and \$2,000,000 per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 412:3, whichever amount is greater"

The bill thus establishes two damage ceilings: \$250,000 per claimant and \$2,000,000 per incident. The constitutionality of these limitations turns on whether "the restrictions . . . place(d) on an injured person's right to recovery" by these limitations "be not so serious that (they) outweigh () the benefits sought to be conferred upon the general public." *State v. Brosseau*, 124 N.H. 184, 197, 470 A.2d 869, 878, (1983) (Douglas and Batchelder, JJ., concurring specially). We find that this test is satisfied and therefore uphold the per claimant and the per incident damage ceilings.

The authority of the legislature to set reasonable limits on damages recoverable against governmental entities is well established. See *Estate of Cargill v. City of Rochester*, 119 N.H. 661, 669, 406 A.2d 704, 708-09 (1979); *Merrill v. Manchester*, 114 N.H. 722, 730, 332 A.2d 378, 384 (1974). In *Estate of Cargill* we upheld the constitutionality of RSA 507-B:4 (1977) which limited tort damages recoverable from political subdivisions of the State to \$50,000 per person for bodily injuries. *Estate of Cargill v. City of Rochester*, 119 N.H. at 669, 406 A.2d at 709. We found that the relationship between tort plaintiffs and governmental units was distinguishable from the relationship between plaintiffs and nongovernmental tortfeasors, and therefore held that the two classes of plaintiffs, in this respect, are not similarly situated. Among these distinguishing features is the fact that citizens have a legal right to influence the policies of their government, including its decisions on safety precautions, employee conduct, and the acquisition of liability insurance. *Id.* at 666-67, 406 A.2d at 706-07; cf. *Park v. Rockwell Int'l Corp.*, 121 N.H. 894, 898-99, 436 A.2d 1136, 1138-39 (1981) (\$1,200 limit on damages for burial expenses of decedents without dependents in workers' compensation cases invalid); *Carson v. Maurer*, 120 N.H. 925, 941-44, 424 A.2d 825, 836-38 (1980) (\$250,000 limit on damages for noneconomic losses in medical malpractice cases invalid). We note that this special characteristic of the government-tortfeasor

citizen-plaintiff relationship is present where the tortfeasor is the State and therefore find this aspect of the *Cargill* analysis persuasive.

We earlier noted that the State had an interest in minimizing its liability exposure because if the State incurred significant liability, the payment of claims could impair the financial ability of the State to render governmental services. Recognizing the risk posed by unlimited liability exposure, as well as the unique characteristics of the State-tortfeasor citizen-plaintiff relationship, we hold that reasonable recovery limits are constitutionally permissible.

The \$250,000 per claimant limitation distinguishes between persons injured by the State and persons injured by other tortfeasors. Although a plaintiff's legitimate damages may exceed this ceiling, we find that, even "(g)iven the soaring costs of medical services, legal expenses, and other damages likely to be sustained by tort victims," this limit adequately balances the competing interests of the State and of the personal injury plaintiff at this time. *Estate of Cargill v. City of Rochester*, 119 N.H. at 668-69, 406 A.2d at 708 (1979). We therefore uphold its constitutionality.

The \$2,000,000 per incident limitation will apply only in certain instances where there are more than eight persons claiming damages from the State for the same incident. (\$250,000 per person limit X 8 plaintiffs = \$2,000,000 per incident limit.) In such an instance, the hardship occasioned by application of this provision could be severe. If, for example, a fire attributable to the negligence of the State causes injuries to 100 people, the average amount of damages that could be recovered by each individual would be at most \$20,000. Given the fact that this figure would likely have to be further reduced by the payment of attorney's fees and court costs, the final amount obtained by an individual plaintiff might compensate him for only a fraction of his injuries.

Although we recognize the potential hardship posed by this provision, we also recognize that any similar restriction will pose the same problems. Since we have determined that the legislature may constitutionally limit the damages recoverable from the State, the only issue before us is whether the \$2,000,000 limit is a reasonable exercise of the legislature's authority. "We are not prepared to say . . . that (the limit) is so severe as to be 'very wide of any reasonable line of demarcation.'" *Estate of Cargill v. City of Rochester*, 119 N.H. at 669, 406 A.2d at 708 (1979) (quoting *Opinion of the Justices*, 113 N.H. 205, 213, 304 A.2d 881, 887 (1973)). It is therefore constitutional.

John W. King
David A. Brock
William F. Batchelder
David H. Souter

DOUGLAS, J. I fully agree with this opinion with the exception of section III C, upholding dollar limits on recovery, for the

reasons stated in my dissent in *Estate of Cargill v. City of Rochester*, 119 N.H. 661, 670, 406 A.2d 704, 709 (1979)

Charles G. Douglas, III

Stephen E. Merrill, attorney general (Bruce E. Mohl, assistant attorney general), filed a memorandum on behalf of the State, in support of the constitutionality of House Bill 440, as amended.

Brown and Nixon, P.A. of Manchester (Francis G. Murphy), filed a memorandum on their own behalf, in opposition to the constitutionality of House Bill 440, as amended.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration of HB 440, relative to sovereign immunity, at the present time, without required notice in the Calendar and after the deadlines.

Adopted by the necessary two-thirds.

COMMITTEE REPORT

HB 440, relative to sovereign immunity. Ought to Pass with Amendment.

This bill establishes a procedure for those who suffer injury or property damage through the negligent acts of state employees to bring claims against the state. Immunity from suit is retained for judicial and legislative functions as well as for certain executive branch functions. Recovery is limited to \$250,000 per claimant or \$2 million per incident.

The bill, as amended, is intended to remedy the procedural and financial inadequacies of the current law and reflects changes suggested in the opinion of the Justices on this bill. Vote 11-2. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Policy. Amend RSA 99-D:1 (supp) as inserted by 1978, 43:1 by striking out said section and inserting in place thereof the following:

99-D:1 Statement of Policy. It is the intent of this chapter to protect state officers, trustees, officials, employees, and members of the general court who are subject to claims and civil actions arising from acts committed within the scope of their official duty while in the course of their employment for the state and not in a wanton or reckless manner. It is not intended to create a new remedy for injured persons or to waive the state's sovereign immunity which is extended by law to state officers, trustees, officials, and employees. The doctrine of sovereign immunity of the state, and by the extension of that doctrine, the official immunity of

officers, trustees, officials, or employees of the state or any agency thereof acting within the scope of official duty and not in a wanton or reckless manner, except as otherwise expressly provided by statute, is hereby adopted as the law of the state. The immunity of the state's officers, trustees, officials, and employees as set forth herein shall be applicable to all claims and civil actions, which claims or actions arise against such officers, trustees, officials, and employees in their personal capacity or official capacity, or both such capacities, from acts or omissions within the scope of their official duty while in the course of their employment for the state and not in a wanton or reckless manner.

2 Defenses. Amend RSA 99-D:6 (supp) as inserted by 1978, 43:1 by striking out said section and inserting in place thereof the following:

99-D:6 Defenses not Waived. Nothing contained in this chapter shall be construed or held to constitute a waiver of any defense otherwise available against the claim.

3 Chapter Heading. Amend the chapter heading of RSA 541-B by striking out said heading and inserting in place thereof the following:

CLAIMS AGAINST THE STATE

4 Definition. Amend RSA 541-B:1, I (supp) as inserted by 1977, 595:2 by striking out said paragraph and inserting in place thereof the following:

1. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, and the general court, including any official or employee of same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

5 Definition. Amend RSA 541-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Claim" means any request for monetary relief for bodily injury, personal injury, death or property damages caused by the failure of the state or state officers, trustees, officials, employees, or members of the general court to follow the appropriate standard of care when that duty was owed to the person making the claim. As used in this section, "claim" shall include any right of action for money damages which either expressly or by implication arises from any law, unless another remedy for such claim is expressly provided by law.

6 Jurisdiction for Claims. Amend RSA 541-B:9 (supp) as inserted by 1977, 595:2 by striking out said section and inserting in place thereof the following:

541-B:9 Jurisdiction.

I. Claims under this chapter shall be brought solely in accordance with the provisions of this chapter.

II. The board shall have original and exclusive jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards on all claims under this chapter not exceeding \$5,000 against any agency, except those claims arising

under workers' compensation, unemployment compensation, eminent domain proceedings, RSA 110-B:73, RSA 207:22-25, RSA 228:29, and RSA 491:8.

III. The board shall have concurrent jurisdiction to investigate, conduct hearings and make decisions, and render or deny awards, except those claims arising under workers' compensation, unemployment compensation, eminent domain proceedings, RSA 110-B:73, RSA 207:22-25, RSA 228:29 and RSA 491:8, with the superior court on all claims in excess of \$5,000, but not exceeding \$50,000, against any agency.

IV. Except as otherwise provided, the superior court shall have original and exclusive jurisdiction of all claims in excess of \$50,000 against any agency.

7 Powers and Duties of Board. Amend RSA 541-B:10, IV (supp) as inserted by 1977, 595:2 by striking out in line 8 the words "or submitted a recommendation and proposed bill to the committee" so that said paragraph as amended shall read as follows:

IV. The findings and recommendations of the board or any payment of a claim authorized by said board shall only be subject to a judicial appeal by the petitioner in accordance with RSA 541. The board may by unanimous action order a rehearing on any matter before it, if in its opinion there are sufficient equitable reasons on behalf of any party to the proceedings so that a rehearing should be granted; provided, however, no rehearing on any matter shall be permitted after the board has authorized a payment of a claim.

8 Procedure for Board Claims. Amend RSA 541-B:11 (supp) as inserted by 1977, 595:2 by striking out said section and inserting in place thereof the following:

541-B:11 Procedure. The procedure for the filing and adjudication of claims is as follows:

I. The claimant shall first file the claim in writing with the agency involved.

II. When a claim has been filed with any agency, the head of the agency shall make or cause to be made a preliminary investigation and provide the attorney general with the results of such investigation.

III. Any person initiating a claim with the board under the provisions of RSA 541-B:9, II or III shall file the claim with the secretary of state, who shall forward the claim to the board.

IV. The secretary of state shall notify the agency, the attorney general, and the claimant of the next scheduled quarterly meeting of the board and of the pertinent information as to when the claim has been scheduled for a hearing. The claimant, attorney general, and agency shall have at least 10 days' written notice of the date, time and place of the hearing.

V. When a claim is forwarded to the board by the secretary of state, the board shall schedule such claim for a hearing no later than the next succeeding quarterly meeting of the board, if the board has met in the current quarter or not enough time is left within said quarter to comply with the notice required pursuant to

paragraph IV. Upon the request of any party, the board may continue any claim until a succeeding quarterly meeting in order that the party may perform necessary and adequate discovery.

VI. The claimant may represent himself or he may be represented by an attorney. The claimant may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents. The attorney general shall represent the agency.

VII. All hearings before the board shall be subject to the provisions of RSA 91-A.

9 Payment of Claims. Amend RSA 541-B:13 (supp) as inserted by 1977, 595:2 by striking out said section and inserting in place thereof the following:

541-B:13 Payment of Claims. Whenever the board by majority vote finds that payment to a claimant is justified, or a judgment by the superior court becomes final, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated.

10 Recovery Limited. Amend RSA 541-B:14, I (supp) as inserted by 1977, 595:2 by striking out said paragraph and inserting in place thereof the following:

541-B:14 Limitation on Action and Claims. I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed \$250,000 per claimant and \$2,000,000 per any single incident, or the proceeds from any insurance policy procured pursuant to RSA 412:3, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter.

11 Interest. Amend RSA 541-B:14, III and IV (supp) as inserted by 1977, 595:2 by striking out said paragraphs and inserting in place thereof the following:

III. The payment of interest shall be granted on any award authorized under this chapter at the rate provided in RSA 336:1 in the same manner as is provided for in civil actions generally.

IV. Any claim submitted under this chapter shall be brought within 6 years of the date of the alleged bodily injury, personal injury, or property damage or the wrongful death resulting from bodily injury; provided, however, that the agency is notified by mail within 180 days of the alleged injury or property damage sustained by the claimant. Such notification may be made either by the claimant or an appropriate representative of the claimant. Failure to give notice to the agency as required by this section shall not bar the commencement of any action within the applicable limitation period.

12 Rights Against Others. Amend RSA 541-B:15 (supp) as inserted by 1977, 595:2 by striking out said section and inserting in place thereof the following:

541-B:15 Claimants' Rights Against Others. The adjudication by the board or the superior court on any claim before it shall not deprive the claimant of any other

legal rights he may have against another party.

13 Attorneys' Fees; Limited Sovereign Immunity. Amend RSA 541-B by inserting after section 17 the following new sections:

541-B:18 Attorneys' Fees. No attorney representing a claimant shall charge or collect fees for legal services rendered to the claimant unless the fees have been approved by the board or the superior court, as the case may be. In determining the amount of allowable fees, the board or the superior court shall consider, among other things, the nature, length, and complexity of the services performed, the usual and customary charge for work of like kind, and the benefits resulting to the claimant as a result of the legal services performed.

541-B:19 Exceptions.

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, the provisions of this chapter shall not apply to:

(a) Any claim which is based upon the exercise of a legislative or judicial function.

(b) Any claim based upon an act or omission of a state officer, employee, or official when such officer, employee, or official is exercising due care in the execution of any statute or any rule of a state agency.

(c) Any claim based upon the exercise or performance or the failure to exercise or perform a discretionary, executive or planning function or duty on the part of the state or any state agency or a state officer, employee, or official acting within the scope of his office or employment.

(d) Any claim arising out of an intentional tort, including assault, battery, false imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous relations, or interference with contractual relations, provided that the employee whose conduct gives rise to the claim reasonably believes, at the time of the acts or omissions complained of, that his conduct was lawful, and provided further that the acts complained of were within the scope of official duties of the employee for the state.

541-B:20 Right to Jury Trial. In any action in the superior court pursuant to this chapter there shall be a right to a jury trial and the action shall be tried to a justice of the superior court in the ordinary course.

14 Insurance. Amend RSA 9:27 (supp) as amended by striking out said section and inserting in place thereof the following:

9:27 Insurance. Any agency or department of the state may, with the approval of the governor and council and within the limits of its appropriation, secure casualty or liability insurance on any property owned by the state or in connection with any program or activity of the state; provided, however, that any insurance specifically required by law shall be carried.

15 Repeat. The following are hereby repealed:

I. RSA 541-B:1, IV, relative to the definition of "committee."

II. RSA 541-B:12, relative to recommendations to the general court.

16 Application. The provisions of this act shall apply only to claims arising out of incidents occurring on or after the effective date of this act.

17 Effective Date. This act shall take effect upon its passage.

Rep. Sytek explained the amendment.
Amendment adopted.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the rules be so far suspended to place HB 440 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.
Question being shall HB 440 be read a third time and passed.
Adopted.

Third reading and final passage

HB 440, relative to sovereign immunity.

COMMITTEE OF CONFERENCE REPORT

HB 126, relative to sunset review of state office administration. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 124, relative to sunset review of aeronautics commission administration and support. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 64, limiting the liability of persons aiding crime victims. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 39, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 148-FN, relative to sunset review of industrial development authority. (Report printed SJ 5/28)

Rep. Quimby explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 186, relative to the licensing of home health care providers and making an appropriation therefor. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 283, continuing nursing home cost incentive programs. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 288, relative to the duties and responsibilities of the department of administrative services. (Report printed SJ 5/28)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 318, relative to mortgage escrow accounts. (Report printed SJ 5/28)

Report adopted.

ENROLLED BILLS AMENDMENTS

HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs.

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 Definition. Amend RSA 215-A:1 by inserting after paragraph I-a the following new paragraph:

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle

Amend RSA 215-A:23 as inserted by section 9 of the bill by inserting after paragraph I the following new paragraph:

I-a. Resident antique snow traveling vehicle permanent registration - \$30 for each registration upon presentation of resident tax receipt.

This amendment rennumbers a certain paragraph in RSA 215-A:1 and inserts a paragraph in RSA 215-A:23 to avoid duplicating the numbering of RSA sections inserted by HB 570.

Adopted.

HB 26, establishing a department of libraries, arts and historical resources.

Amend RSA 21-J:8, IV as inserted by section one of the bill by striking out

lines 2 and 3 and inserting in place thereof the following:

provided that the rules shall be subject to ratification by the state historical resources council established by RSA 227-C:6.

Amend RSA 21-J:9 as inserted by section one of the bill by striking out line 5 and inserting in place thereof the following:

Arts and for the state art fund established under RSA 19-A:9; and the historical

Amend paragraph IV as inserted by section 2 of the bill by striking out line 4 and inserting in place thereof the following:

to the division of historical resources and shall have the duties and

Amend subparagraph I(c) as inserted by section 6 of the bill by striking out same and renumbering subparagraphs (d) and (e) to read as (c) and (d), respectively.

Amend RSA 19-A:8, II as inserted by section 30 of the bill by striking out line 2 and inserting in place thereof the following:

historical resources.

Amend RSA 19-A:10, IV as inserted by section 31 of the bill by striking out line 6 and inserting in place thereof the following:

mileage by the department of libraries, arts and historical resources.

Amend RSA 227-C:14, III as inserted by section 40 of the bill by striking out line 2 and inserting in place thereof the following:

relative to the fair and equitable division of historical resources recovered

Amend paragraph I of section 42 of the bill by striking out line one and inserting in place thereof the following:

I. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by

Amend paragraph II of section 42 of the bill by striking out line one and inserting in place thereof the following:

II. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by

Amend the bill by striking out all after section 43 and inserting in place thereof the following:

44 Reference Change Authorized. In the event that SB 199 of the 1985 regular session of the general court becomes law, all references to RSA 21-J in this act shall be deemed to refer to RSA 21-K. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the

osenate, to make these changes, provided that no substantive changes may thereby be made.

45 Effective Dates.

I. Sections 1, 2, I, 2, II, 3, 4, 5, 6 and 42, II(a) of this act shall take effect July 1, 1985.

II. Section 44 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect when the department of libraries, arts and historical resources becomes operational on the date set according to laws of 1983, 372:5, II.

This amendment corrects several grammatical errors and citation errors. The amendment deletes an unnecessary subparagraph relating to reference changes. This amendment also adds a section providing that if SB 199 becomes law then certain citation changes will occur.

Adopted.

HB 95, limiting the grounds for eviction of tenants from certain rental units.

Amendment

Amend section one of the bill by striking out line 2 and inserting in place thereof the following:

following new section:

Amend section 8 of the bill by striking out lines 7-11 and inserting in place thereof the following:

I. The landlord or other qualified witness testifies to its identity and the mode of its preparation;

II. It was made at or near the time of the receipt of the complaint; and

III. In the opinion of the court, the sources of information,

This amendment corrects an error in the amending language in section one of the bill. This amendment also corrects a format error in section 8 of the bill.

Adopted.

HB 147-FN, relative to sunset review of economic development.

Amendment

Amend section 6 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

1983, 422:20 by striking out said section and inserting in place thereof the following:

This amendment corrects erroneous amending language.

Adopted.

SB 138-FN, amending the administrative procedure act.

Amendment

Amend the first section 8 of the bill by striking out lines one, 2 and 3.

Amend section 7 of the bill by striking out lines 21, 22, and 23 and inserting in place thereof the following:

(i) RSA 266:18, XV, relative to bridge weight limits;

(j) RSA 651:55-b, II, relative to credit for good conduct of prisoners;

(k) RSA 111, relative to the state guard.

Amend section 6 of the bill by striking out line 32 and inserting in place thereof the following:

IV. Emergency rules adopted under this section shall not be adopted

Amend section 6 of the bill by striking out line 35 and inserting in place thereof the following:
statement of emergency required by RSA 541-A:3-g, III(e) is inadequate and

This amendment removes the duplicate amending language used in section 8; redesignates a subparagraph inserted by HB 99 (Chapter 144); and corrects 2 paragraph references in section 6.

Adopted.

RECESS

VETO MESSAGE ON HB 78

To All Members of the General Court

I have vetoed HB 78. The bill has provisions establishing a New Hampshire-Maine Marine Boundary Commission which appear to be inconsistent with the governing law concerning the identification of the lateral marine boundary between New Hampshire and the State of Maine.

The Commission created in HB 78 is empowered to enter into an agreement "defining and ascertaining the common, lateral marine boundary of the two states" from a point in Gosport Harbor in the Isles of Shoals seaward. The bill also provides that such an agreement, if approved by the respective legislatures of Maine and New Hampshire, is to be submitted as a "compact" to the Congress of the United States for approval under Article I, Section 10, Clause 3 of the United States Constitution.

The United States Supreme Court has already held that an agreement defining the existing boundary between Maine and New Hampshire, as opposed to adjusting the boundary, is not a compact requiring the approval of Congress under the federal Constitution. New Hampshire v. Maine, 426 U.S. 363, 370 (1976), see Opinion of the Justices, 117 N.H. 393, 396 (1977).

Because HB 78 improperly assumes that an agreement defining and ascertaining the

common lateral marine boundary between Maine and New Hampshire is a compact requiring federal Congressional approval, the bill should not become law. I am further concerned with the procedure for approval that is incorporated within this bill. I feel that a determination of such import should not be left solely to the discretion of a commission and that such is not consistent with the requirements for approval that have arisen in the past.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 78 pass.

Reps. Pantelakos, Felch and Doris Riley spoke in favor.

Rep. Albert Dionne spoke in favor and yielded to questions.

(Speaker presiding)

YEAS 276 NAYS 54

YEAS 276

BELKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Golden, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson and James J. White.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Irvin Gordon, Matson, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan and Young.

COOS: Bideau, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Wayne King, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Arnold, August, Barry, Bass, Beaupre, Bergeron, Bernier, Robert Blanchette, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, Leslie Burns, Champagne, Charron, Clancy, Cox, Cronin, Crotty, William Dion, Ducharme, Duperron, Durant, Clyde Eaton, Fields, Gagnon, Scott Green, Grip, Marian Harrington, Hendrick, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, George Jones, Keefe, Kelley, Knight, Lamy, Levesque, Lown, Martin, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Paquette, Parmenter, Perham, Pressly, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Stonner, Sylvia, Turgeon, Van Loan, Vanderlosk, Wagner, Harold Watson, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, James

Chandler, Fraser, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelly, C. William Johnson, Kidder, Lewis, Pannell, Pantzer, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard and West.

ROCKINGHAM: Benton, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Connors, Controy, Day, Ellyson, Emanuelson, Felch, Flanagan, Harry Flanders, Thomas Gage, Goss, Courdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Mace, Magoon, Robert Mason, McKinney, Benjamin Moore, Newman, Palumbo, Pantelakos, Pevear, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Seward, Sherburne, Simon, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Warburton and Welch.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keams, Kincaid, Lussier, Meader, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope and Whiting.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 54

BELKNAP: Brough and Dexter.

CARROLL: None.

CHESHIRE: Grodin, Miller, Morse, Parker, Perry, Ridge and Thompson.

COOS: Brungot, Guay and Horton.

GRAFTON: Christy and McAvoy.

HILLSBOROUGH: Ahrens, Blais, John Burns, Carragher, Dykstra, Joseph Eaton, Nancy Ford, Fried, Herod, Jasper, Labombarde, Lozeau, Howard Mason, Paradis, Sallada, Steiner, Mary Sullivan, Tamposi, Varkas, Geraldine Watson, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Barberia, Connolly, Arthur Locke, Phelps, Roberts, Stio and James Whittemore.

ROCKINGHAM: Beverly Gage, Kane, McCain, Scamman, Schmidtchen, Schwaner, Skinner, Vartanian and Woodward.

STRAFFORD: Ann Torr and Franklin Torr.

SULLIVAN: None, and the veto was overridden by the constitutional requirement of two-thirds.

RECESS

AFTER RECESS

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit the adoption of the Senate amendment to HB 442. Adopted by the necessary two-thirds.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 442, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor. (Amendment printed SJ 5/29)

Reps. Rounds and Chambers moved that the House concur.

Rep. Taffe spoke in favor of the motion and yielded to questions.

Reps. Ellen-Ann Robinson and William Boucher spoke in favor of the motion.

Rep. Alf Jacobson spoke against the motion.

Rep. Russell Chase moved that further consideration of the amendment to HB 442 be made a Special Order for 3:30 p.m. and spoke to his motion.

Rep. Ellen-Ann Robinson yielded to questions.

On a voice vote the Speaker was in doubt and requested a division.

143 members having voted in the affirmative and 188 in the negative, the motion lost.

Question now being on the Rounds motion to concur with the Senate amendment to HB 442.

Reps. Chambers and Quimby spoke in favor of the motion and yielded to questions.

Rep. Taffe yielded to questions and yielded to Rep. William Boucher who yielded to questions.

Reps. Scamman, Michael King and Rounds spoke in favor of the motion.

Rep. Arnott spoke against the amendment and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded.

On a voice vote, the Speaker was in doubt and requested a division.

235 members having voted in the affirmative and 97 in the negative, the previous question was moved.

Question now being on concurrence with the Senate amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 259 NAYS 78

YEAS 259

BELKNAP: Bolduc, Bowler, Golden, Hawkins, Pearson, Randall and James J. White.

CARROLL: Ashnault, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Arnott, Blacketer, Davis, Delano, Daniel Eaton, Irvin Gordon, Grodin, Matson, Miller, Parker, Perry, Ramsay, Ridge, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Hutchings, Michael King, Wayne King, LaMott, McAvoy, Rounds, Scanlan, Taffe, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bass, Bergeron, Bernier, Robert Blanchette, Bourdon, Bourque, Boutwell, Champagne, Chretien, Clancy, Cox, Crotty, Ducharme, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Hendrick, Herod, Holden, Humphrey, Jasper, Keefe, Kelley, Knight, Martin, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Perham, Pressly, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Sallada, Leonard Smith, Sylvia, Turgeon, Van Loan, Vanderlosk, Wagner, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, James Chandler, Daniell, Fraser, Gilbreth, Hager, Hayes, Mary Holmes, C. William Johnson, Kidder, Lewis, Pannell, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Shepard, Stio and West.

ROCKINGHAM: Bangs, Benton, Blanchard, Patti Blanchette, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Thomas Gage, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Kraker, Lovejoy, Magoon, Robert Mason, McCain, McKinney, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vartanian, Warburton and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Bryant, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Frechette, Robert Jones, Keans, Kincaid, Lussier, Meader, O'Brien, Bruce Packard, Parks, Pelley, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr, Franklin Torr and Whiting.

SULLIVAN: Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 78

BELKNAP: Brough, Brown, Richard Campbell, Dexter, Malcolm Harrington, Holbrook, Jensen and Matthew Locke.

CARROLL: Olimpio.

CHESHIRE: Burley and Crane.

COOS: None.

GRAFTON: Stewart.

HILLSBOROUGH: Barry, Beaupre, Blais, Boisvert, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Charron, Cronin, William Dion, Duperron, Durant, Gagnon, Healy, Hogan, Hyman, Chris Jacobson, George Jones, Labombarde, Levesque, Lown, Lozeau, Murphy, Nute, Paquette, Paradis, Pariseau, Parmenter, Philip Rodgers, Shriver, B. P. Smith, Steiner, Stonner, Mary Sullivan, Tamposi, Varkas, Harold Watson, Frank Whittemore, Worthen and Zis.

MERRIMACK: Gross, Alf Jacobson, Jelley, Arthur Locke, Pantzer, Roberts, Savaria and James Whittemore.

ROCKINGHAM: Lawrence Chase, Beverly Gage, Goss, Courdeau, Longworth, Mace, Malcolm, Benjamin Moore, Newman, Palumbo, Pantelakos, Pevear, Vaughn, Walker and Welch.

STRAFFORD: None.

SULLIVAN: Brodeur, and the amendment was adopted.

Rep. Connolly notified the Clerk that he wished to be recorded in favor of the Senate amendment to HB 442.

ENROLLED BILLS REPORT

HB 422, relative to the training of dogs.
SB 10, relative to small loans.
SB 105, relative to notice of
foreclosure sales of mortgaged premises.
Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.
Adopted.

LATE SESSION

RECONSIDERATION

Having voted with the prevailing side, Rep. Rounds moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 442, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor.

Rep. Newman spoke in favor of the motion.
Rep. Arnott spoke to the motion.
Reconsideration lost.

PERSONAL PRIVILEGE

Rep. Sara Townsend addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:17 p.m.

RECESS

(Rep. Sytek in the Chair)

ENROLLED BILLS REPORT

HB 442, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor, relative to suspension of the millage formula, and establishing a new formula for distributing foundation aid to school districts.

HB 742, enabling mutual savings banks to reorganize as mutual holding companies.

Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 28

Thursday, 6 Jun 85

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

In these days of negotiations, Lord, help us to deal with our need for power and position. Let us remember the greater cause that beckoned us to run for public office, that of service to our State. Lead us to solutions that will bring fairness to all. Amen.

Rep. Hogan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Flanagan, Kohl, Ames, Nichols, Hardy, Mann, Walker, Blaisdell, McGlynn and Daniell, the day, illness.

Reps. Matthew Locke, Pelley, Richard Campbell, Parr, Marsh, Sara Townsend, Hoar, Dickinson, Crane, Vanderlosk, M. Arnold Wight, Musler, Hollingworth, Brown, Walter Robinson, Whiting, Bangs, Zis, Beaupre and Copenhaver, the day, important business.

Rep. Crory, the day, death in the family.

Reps. Chris Jacobson, Joseph MacDonald, Bernier and Warburton, the day, illness in the family.

INTRODUCTION OF GUESTS

4th Grade Class from Gilmanton Elementary School with their teacher, Mrs. Tobey.

SENATE MESSAGES GOVERNOR'S VETOES SUSTAINED

HB 78, relative to resident commercial salt water fishing licenses and establishing a New Hampshire-Maine boundary commission.

HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor.

HB 392, relative to special plates for former prisoners of war.

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 132-FN, relative to sunset review of parks and recreation.

HB 232, relative to adopting the federal boat numbering system.

HB 466, relative to highway billboards, off and on premise signs.

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court.

HB 575, relative to administrative procedures and state and local government cooperation.

HB 428-FN, relative to mortgage home loans.

HB 443, establishing the central interagency motorpool study committee.

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington.

COMMUNICATION

John B. Tucker
Speaker of the House

Dear Mr. Speaker:

Much has been said regarding the importance of the override of Governor Sununu's veto on HB-47, with respect to the Senate and very little regarding the importance of the House members.

Please accept a most sincere "thank you" from the many people our Society represents for ensuring the passage of the LIVING WILL into law. One of your representatives said it much better, "the House of Representatives have an advantage over the Senate, the House members are greater in volume making it more possible for them to really speak for the people."

Would you, if possible, please read this letter of appreciation to your assembly?

Please express to each and everyone the Peace instilled in our hearts ONLY BECAUSE THEY LISTENED TO THE CITIZENS OF NEW HAMPSHIRE!!

Enclosed is the living will declaration published and printed by our Society, mailed upon request. You will notice we have tried to take all precautions and safeguards to avoid abuse.

With respect and admiration.

Sincerely yours,
Sarah L. Caldwell,
President, LWS

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration of Committee of Conference Reports after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT

HB 428-FN, relative to mortgage home loans. (Report printed SJ 6/3)
Rep. Quimby explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 575, relative to administrative procedures and state and local government cooperation. (Report printed SJ 6/3)
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court. (Report printed SJ 6/3)
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 466, relative to highway billboards, off and on premise signs. (Report printed SJ 6/3)

Report adopted.

Rep. Mary Ann Lewis moved that a new Committee of Conference be established.
Adopted.

The Speaker appointed Reps. Lewis, Bardsley, Seward and Vaughn.

COMMITTEE OF CONFERENCE REPORT

HB 232, relative to adopting the federal boat numbering system. (Report printed SJ 6/3)

Rep. Pearson explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 443, establishing the central interagency motorpool study committee. (Report printed SJ 6/3)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 132-FN, relative to sunset review of parks and recreation. (Report printed SJ 6/3)

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington. (Report printed SJ 6/3)

Rep. Bibbo explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 52-FN, An Act establishing an advisory committee on rules of evidence having considered the same, report the same with the following recommendations:

1 Purpose. The intent of this legislation is to acquire an additional \$30,076,009 in federal funds by authorizing transfers of previously appropriated state-matching funds among federal aid highway appropriation accounts and a transfer from highway surplus to provide additional state matching funds.

2 Transfer of Funds.

I. The following transfers of state-matching funds between federal aid highway appropriation accounts and a transfer from the highway fund to provide additional state matching funds are hereby authorized:

(a) Funds transferred from:

(1) Highway Surplus	000000	\$2,555,475
(2) Federal Aid Secondary	305500	350,687
(3) Federal Aid Urban	305800	229,669
(4) Federal Aid High Hazard	307200	272,090

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Committee Established. There is hereby established the advisory committee on rules of evidence. The members of the committee shall be:

I. The chairman of the house judiciary committee.

II. A member of the house appointed by the speaker of the house.

III. The chairman of the senate judiciary committee.

IV. A member of the senate appointed by the president of the senate.

V. A member of the New Hampshire bar association appointed by the governor.

VI. A police prosecutor appointed by the governor.

Conferees on the Part of the Senate:

Sen. Hounsell, Dist. 2, Sen. Boyer, Dist. 13 and Sen. Roberge, Dist. 9

Conferees on the Part of the House:

Rep. Robinson, Straf. 4, Rep. Sylvia, Hills. 1, Rep. Sytek, Rock. 20 and Rep. Eaton, Ches. 4

Report adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 4, An Act relative to funding for the department of public works and highways federal aid construction program having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

(5) Federal Aid Interstate 4R	302320	811,760
(6) Federal Aid Safer Off System	307500	106,806
(7) Federal Aid Economic Growth Center	307900	41,601
(8) Federal Aid Pavement Marking	307600	12,004
(9) Federal Aid Interstate 3R	302310	70,762
Total		<u>\$4,450,854</u>
(b) Funds transferred to:		
(1) Federal Aid Interstate	302300	33,730
(2) Federal Aid Primary	305400	1,806,173
(3) Federal Aid Metro	305900	60,709
(4) Federal Aid RR Crossings	307300	237
(5) Federal Aid Bridge Replacement	307800	806,423
(6) Federal Aid Primary 3R	305410	1,327,603
(7) Federal Aid Secondary 3R	305510	415,979
Total		<u>\$4,450,854</u>

II. The commissioner of administrative services is directed to transfer the above state-matching funds and the additional \$2,555,475 which transfer is hereby authorized from the highway fund, for the purpose of providing additional state-matching funds for federal aid construction programs. The commissioner of public works and highways may accept such additional federal funds to provide a matching federal share and such federal funds are hereby appropriated. Further, prior to June 30, 1985, the commissioner of public works and highways shall provide to the commissioner of administrative services the combined applicable estimated federal fund transfers associated with prior appropriations and the allocation of the additional estimated federal funds between the respective federal aid appropriation accounts. The commissioner of administrative services shall process the appropriate transfers and the governor's warrant in fiscal 1985.

3 New Section. Amend RSA 230 by inserting after section 49 the following new section:

230:49-a Replacement or New Signs. Whenever the commissioner of public works and highways authorizes the replacement of an existing highway sign or the installation of a new highway sign which designates that a city or town lies ahead, that sign shall also state the distance in miles from the sign to the city or town limits that the motorist will first approach.

4 Bonds Authorized. To provide funds for the transfer made in section 2, paragraph I(a)(1) of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,555,475 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

5 Payments. The payment of principal and interest on the \$2,555,475 of the bonds and notes issued for the funds transferred pursuant to section 2, paragraph I(a)(1) of this act, shall be made when due from the highway fund.

6 New Section. Amend RSA 230 by inserting after section 49 the following new section:

230:49-a Replacement or New Signs. Whenever the commissioner of public works and highways authorizes the replacement of an existing highway sign or the installation of a new highway sign which designates that a city or town lies ahead, that sign shall also state the distance in miles from the sign to the city or town limits that the motorist will first approach.

7 Change of Date. Amend RSA 9:3-a, VII (supp) as inserted by 1981, 540:1 by striking out said paragraph and inserting in place thereof the following:

VII. The governor shall submit the capital budget to the general court no later than February 15 of each odd numbered year.

8 Exception for Highway Equipment. Amend RSA 266:20 as inserted by 1981, 146:1 by inserting after the word "highways," the following (The provisions of this section shall apply equally to all vehicles used for transporting distributable loads of construction materials to and through such zones.) so that said section as amended shall read as follows:

266:20 Exception for Highway Building Equipment. The provisions of RSA 266:18 shall not prohibit the driving of highway building equipment and motor vehicles used in the construction or maintenance of highways, provided that such equipment is used within a highway construction zone as prescribed by the commissioner of public works and highways; and further provided, that the provisions of this section shall apply equally to all vehicles used for transporting distributable loads of construction materials to and through such zones.

9 Appropriation. The sum of \$400,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1987, for the replacement of the railroad bridge located on the Northfield-Tilton town line on the state owned Concord to Lincoln rail line. This appropriation shall be nonlapsing.

10 Bonds. To provide funds for the appropriation made in section 9 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding \$400,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

11 Compact Amendment. Amend RSA 234 by inserting after section 59 the following new sections:

234:60 Compact Amendment. The governor, with the advice and consent of the council, shall enter into, with the state of Maine, by and through the governor of the state of Maine, an agreement or compact substantially in the following form:

COMPACT AMENDMENT

Whereas, the states of Maine and New Hampshire, with the express consent of the United States Congress, have entered into a compact creating the Maine-New Hampshire Interstate Bridge Authority, which has resulted in the construction, operation, and maintenance of a bridge across the Piscataqua River between Kittery, Maine, and Portsmouth, New Hampshire, and its approach roads; and

Whereas, the United States Congress expressly reserved the right to alter or amend the provisions of this compact; and

Whereas, the condition of the Maine-New Hampshire Interstate Bridge Authority highway and railroad bridge now serving vehicular and rail traffic over and across the Piscataqua River between the state of New Hampshire and the state of Maine and the approaches to it have been deteriorating at an accelerated rate due to facility age, inflation, and effective declining revenues; and

Whereas, the present financial obligations of Maine-New Hampshire Interstate Bridge Authority for maintenance, operation, and repair of the bridge and its approaches have expanded to the extent that the Authority's financial resources face rapid depletion in the near future; and

Whereas, the states of Maine and New Hampshire do not have the financial resources to undertake the costs for proper maintenance, operations, and repair on the bridge and its approaches without cooperation with the Maine-New Hampshire Interstate Bridge Authority; and

Whereas, the Maine-New Hampshire Interstate Bridge Authority's bridge and road facilities remain critical for national defense and interstate rail and highway transportation and commerce; and

Whereas, the realignment of various responsibilities between the Maine-New Hampshire Interstate Bridge Authority and the states of New Hampshire and Maine will allow the Authority to continue to provide adequate highway and rail service for the citizens of both states while providing for the least burdensome financial impact upon the states; and

Whereas, the best remedy for the conditions now existing which would have the least long-term financial impact on the states of New Hampshire and Maine is to transfer some of the responsibility of the Maine-New Hampshire Interstate Bridge Authority to the states; and

Whereas, such a result can best be accomplished through the joint cooperation of the Maine-New Hampshire Interstate Bridge Authority and the states of Maine and New Hampshire to effectuate such a transfer;

Now, therefore, the Maine-New Hampshire Interstate Bridge Authority and the states of New Hampshire and Maine do hereby agree and pledge each to the other as follows:

ARTICLE I

In this compact:

I. "Main river structure" means only that portion of the present Maine-New Hampshire interstate bridge authority facility which spans the Piscataqua river from the New Hampshire bridge abutment to the Maine bridge abutment, inclusive, for a distance of 2,880 feet or 0.5456 mile.

II. "Approach roads" means those roadway portions of the present Maine-New Hampshire interstate bridge authority facility known as the U.S. Route 1 Bypass running from the New Hampshire bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 junction in Portsmouth, New Hampshire, a distance of approximately 2.79 miles, and running from the Maine bridge abutment of the main river structure to the U.S. Route 1 Bypass/U.S. Route 1 junction to Kittery, Maine, a distance of approximately 1.4 miles.

III. "Grade separation structures" means 10 structures on the present Maine-New Hampshire Interstate Bridge Authority facility which allow the approach roads to pass either over or under predecessor facilities, namely, at Stark Street, U.S. Route 1, Maplewood Avenue, Middle Road, Hodgson Brook, Islington Street, and at the B and M Railroad, all located in Portsmouth, New Hampshire, and at Route 236, Eliot Road, and an abandoned railroad tunnel, located in Kittery, Maine.

IV. "Authority" means the Maine-New Hampshire Interstate Bridge Authority.

V. "Compact" means the compact set forth in Maine Private and Special Laws, Ch. 18, Session of 1937 and New Hampshire RSA 234:43.

ARTICLE II

The authority shall transfer the approach roads to the main river structure, all grade separation structures on the approach roads, and any of its real property incidental to present or future highway use to the respective states of Maine and New Hampshire. The respective state transportation agencies shall thereafter assume the responsibility for the maintenance, operation, and repair of those grade separation structures and that segment of the approach roads which lie within the territorial limits of each state, except as set forth in Article III herein. The Authority shall retain all responsibilities and obligations for the main river structure from the New Hampshire abutment to the Maine abutment, inclusive.

ARTICLE III

The Authority shall be responsible for providing Authority funds to be used in possible combination with federal aid funds through the states of New Hampshire and

Maine for capital improvements to the main river structure as well as the transferred approach roads and grade separation structures. The Authority's responsibility for capital improvements on the transferred approach roads and grade separation structures shall be limited to one major capital improvement for each grade separation structure and approach road segment. The specific type of capital improvement and the timing for the performance of each improvement shall be determined by the Authority in conjunction with the joint findings of an annual inspection performed by engineering representatives of each state.

ARTICLE IV

Authority employees and their positions of employment shall be transferred to the Maine department of transportation and the New Hampshire department of public works and highways. In effecting the transfer, the respective state transportation agencies shall endeavor to provide each transferred employee with comparable wages and benefits afforded similarly situated state employees. For retirement benefit purposes, creditable service rendered by the employees shall be the same as if the employment had been rendered as a state employee. If, after review by the board of trustees of the New Hampshire retirement system, it is determined that additional funds are required to finance in full the accrued retirement benefits for present and retired employees of the Authority, the Authority shall provide the funds necessary to fulfill this obligation within a period of time mutually agreeable to the Authority and board of trustees of the New Hampshire retirement system.

ARTICLE V

The Interstate Bridge Authority shall transfer its equipment necessary for the operation, maintenance, and repair of the transferred approach roads and grade separation structures to the New Hampshire department of public works and highways and the Maine department of transportation by mutual agreement. The Authority shall contract with the states of Maine and New Hampshire for performance of necessary services on the roadway portion of the main river structure.

ARTICLE VI

The respective states and the Authority agree to and pledge, each to the other, continued faithful cooperation in both the implementation and execution of the provisions of this compact amendment in addition to the faithful cooperation for the operation, maintenance, and repair of the facility in the future.

ARTICLE VII

The provisions of the compact creating the Maine-New Hampshire Interstate Bridge Authority shall remain in full force and

effect except for those provisions inconsistent with the provisions of this compact amendment.

234:61 Additional Legislation. The state of New Hampshire contemplates that corresponding and concurrent legislation will be enacted by the legislature of the state of Maine. Thereafter, the respective state enactments contemplate an act by the United States Congress to ratify the provisions of the state enactments. Only when both congressional ratification occurs and the respective state enactments are effective shall the enactments by Maine and New Hampshire become binding upon the respective states.

234:62 Filing of Compact. This compact amendment, when signed and sealed by the governors and attorneys general of each state and ratified by the United States Congress shall be filed in the offices of the secretaries of state for each state.

234:63. Implementation. The states of Maine and New Hampshire shall make every reasonable effort to implement the provisions of this compact amendment as expeditiously as possible, to prevent any undue hardship to or burden upon authority employees or the transportation agencies of the respective states. The states shall endeavor to implement the provisions of this compact amendment within 6 months of the binding date as specified in RSA 234:61.

234:64 Severability Clause. If any provision of this compact amendment is held invalid for any reason, the remainder of the amendment shall not be affected by such invalidity. This compact amendment shall be liberally construed to effectuate its purposes.

234:65 Former Authority Employee Retirement Benefit Obligations. The board of trustees of the New Hampshire Retirement System shall accept as members of the system, pursuant to RSA 100-A:3, all Maine-New Hampshire Interstate Bridge Authority employees who, pursuant to Article IV of this compact amendment, transfer to the department of public works and highways, whether or not the employees are currently members of the New Hampshire retirement system. Acceptance shall be with full credit for service rendered by the employees while employees of the authority and shall be conditional only upon the payment, within a period of time agreeable to the board of trustees of the New Hampshire retirement system, of any funds required to finance in full the accrued retirement benefits of the employees.

12 Interim Funding. The funding required to effectuate the purposes of the compact amendment set forth in section 11 of this act, including the funding necessary for the transfer of employees and their positions of employment pursuant to Article IV of the compact amendment and of equipment pursuant to Article V of the compact amendment to the department of public works and highways, in the interim between the binding date of the compact amendment and the effective date of the appropriation to the department of public works and highways for fiscal year 1988, shall be supplied by the highway surplus account, as provided in RSA 228:12.

13 New Members. Amend RSA 100-A:3 by inserting after paragraph VII the following new paragraph:

VIII. The board of trustees of the New Hampshire retirement system shall accept as members of the system all Maine-New Hampshire Interstate Bridge Authority employees, who, pursuant to RSA 234:65, are transferred to the department of public works and highways, whether or not the employees are currently members of the New Hampshire retirement system. Acceptance shall be with full credit for service while employees of the Authority, and shall be conditional only upon the payment, within a period of time agreeable to the board of trustees of the New Hampshire retirement system, of any funds required to finance in full the accrued retirement benefits of the employees.

14 Positions Authorized. The positions of 2 drawbridge operators and 6 gatemen shall be authorized, for the biennium ending June 30, 1987, to be funded from funds available from the highway surplus account under RSA 228:12. The authorization for these positions shall become effective upon the effective date of this act; provided, however, the positions shall be filled only when and as vacancies occur in like positions on the Maine department of transportation Memorial Bridge operation and maintenance crew and after the state of Maine agrees to refund the state of New Hampshire 1/2 of the total operating cost of department of public works and highways expenditures for the operation and maintenance of the Memorial Bridge. The details shall be incorporated in a formal agreement between the Maine department of transportation and the New Hampshire department of public works and highways.

15 Effective Dates.

I. Sections 1-8 and 15 of this act shall take effect upon its passage.

II. Sections 9 and 10 of this act shall take effect 60 days after its passage.

III. Sections 11-14 of this act shall take effect 60 days after its passage, or upon the effective date of similar legislation in Maine, whichever is later.

Conferees on the Part of the Senate:

Sen. White, Dist. 11, Sen. Griffin, Dist. 24 and Sen. Preston, Dist. 23

Conferees on the Part of the House:

Rep. Bibbo, Merr. 3, Rep. Chamberlin, Straf. 4, Rep. Swope, Straf. 1 and Rep. Murphy, Hills. 40

Rep. Bibbo explained the report and yielded to questions.

Rep. James Chandler spoke against the report and yielded to questions.

Rep. Krasker spoke in favor of the report and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 164 NAYS 160

YEAS 164

BELKNAP: Birch, Bowler, Dexter, Malcolm Harrington, Hawkins and Holbrook.

CARROLL: Ashnault, Gene Chandler, Kenneth MacDonald and Powers.

CHESHIRE: Blacketor, Davis, Delano, Daniel Eaton, Frink, Matson, Miller, Morse, Perry, Ramsay, Russell and William Sullivan.

COOS: Brideau, Chappell, Chardon, Frederic Foss, Guay and Mayhew.

GRAFTON: Arnesen, Bean, Chambers, Driscoll, Wayne King, Rounds, Scanlan, Taffe, Wadsworth, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Robert Blanchette, Bourque, Boutwell, John Burns, Carragher, Champagne, Charron, Chretien, Cote, Crotty, William Dion, Donovan, Ducharme, Grip, Healy, Hendrick, Herod, Hogan, Keefe, Kelley, Knight, Levesque, Lown, Lozeau, Morrisette, Murphy, Nelson, Nute, O'Rourke, Bonnie Packard, Pappas, Pressly, Reardon, B. P. Smith, Steiner, Stonner, Mary Sullivan, Tamposi, Turgeon, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Fraser, Gilbreth, Mary Holmes, Jelley, C. William Johnson, Kidder, Pannell, Pantzer, Doris Riley, Linwood Rogers, Savaria, Stio and James Whittemore.

ROCKINGHAM: Blanchard, William Boucher, Burdick, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Emanuelson, Felch, Flanders, Thomas Gage, Goss, Joslyn, Phyllis Katsakiores, Roger King, Krasker, Longworth, Magoon, Malcolm, Robert Mason, McKinney, Newman, Pantelakos, Popov, Quimby, Raynowska, Norman Rogers, Rosencrantz, Sanderson, Sochalski, Splaine, Sytek, Vartanian, Vaughn, Wells and Woodward.

STRAFFORD: Bates, Bernard, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frew, Hussey, Kincaid, Laurion, Meader, O'Brien, Francis Robinson, Spear, Henry Sullivan and Swope.

SULLIVAN: Call, D'Amante, Disnard, Ingram, Normandin and Schotanus.

NAYS 160

BELKNAP: Bolduc, Brough, Golden, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Olimpio and Schofield.

CHESHIRE: Burley, Irvin Gordon, Grodin, Parker, Ridge, William Riley, Schwartz, Scranton and Thompson.

COOS: Brungot, Harold Burns, Coulombe, Horton, Lamontagne, Ottolini, Theriault and York.

GRAFTON: Bennett, Christy, Densmore, Duggan, Easton, Hutchings, LaMott, McAvoy, Stewart, Howard Townsend and Whitcomb.

HILLSBOROUGH: August, Barry, Bass, Bergeron, Boisvert, Lionel Boucher, Bourdon, Bridgewater, Burkush, Chagnon, Clancy, Cox, Cronin, Duperron, Durant, Dwyer, Dykstra, Joseph Eaton, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Marian Harrington, Holden, Humphrey, Hyman, George Jones, Michael Jones, Labombarde, Martin, Howard Mason, McCue, Messier, Elizabeth Moore, Newcombe, Paquette, Paradis, Pariseau, Parmenter, Perham, Prestipino, Raiche, Frances Riley, Ellen-Ann Robinson, Philip Rodgers, Sallada, Shriver, Leonard Smith, Sylvia, Van Loan, Frank Whittemore, Lucille Wood and Worthen.

MERRIMACK: Laurent Boucher, James Chandler, Connolly, Gross, Hager, Hayes, Lewis, Arthur Locke, Millard, Phelps, Rehlander, Roberts, Gerald R. Smith, Wallner and West.

ROCKINGHAM: Benton, Butler, Day, Ellyson, Bert Ford, Beverly Gage, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Kane, George Katsakiores, Mace, McCain, Nagel, Palumbo, Pevear, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Stachowske, Tufts and Welch.

STRAFFORD: Appleby, Berkey, Bryant, Burton, Callahan, Diamant, Donnelly, Patricia Foss, Frechette, Robert Jones, Keans, Lussier, Parks, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Domini, Paul Johnson, Lindblade, McKee, Mehegan and Rodeschin, and the report was adopted.

Rep. A. Leslie Burns, Seat 3-119 was inadvertently omitted from the Roll Call as having voted yea.

Rep. Charles Felch, Seat 3-19 was inadvertently recorded as voting yea and was on excused absence.

VEETO MESSAGE ON HB 534

To All Members of the General Court

I have vetoed HB 534. The bill directed that the provisions of RSA 9, Budget and Appropriations, and RSA 21-I, Department of Administrative Services, would no longer apply to appropriations to the Department of Employment Security for the administration of RSA 282-A, unemployment compensation.

The above statutes now in effect outline a budgetary process and administration of the process which provide an effective means for both Executive and Legislative overview of the Department of Employment Security. I do not feel that I should allow this state review of the budget and operation of DES to be substantially impaired.

I would note also that under the Reagan Administration there have been proposals to turn control of the respective Department of Employment Security Offices around the country back to the states. Thus, this bill is inconsistent with this potential federal "devolving" process. I feel that this change is unnecessary and inappropriate at this time.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 534 pass.

Reps. Skinner, Romoli, Hawkins and David Young spoke in favor.

Rep. Scamman spoke against.

(Speaker presiding)

YEAS 211 NAYS 117

YEAS 211

BELKNAP: Birch, Bolduc, Bowler, Malcolm Harrington, Hawkins, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, Kenneth MacDonald, Olimpio and Schofield.

CHESHIRE: Arnott, Blacketer, Davis, Daniel Eaton, Frink, Irvin Gordon, Grodin, Matson, Miller, Ridge, William Riley, Russell, Schwartz, Secord, William Sullivan, Thompson and Young.

COOS: Brideau, Chappell, Chardon, Frederic Foss, Lamontagne, Mayhew, Ottolini and Theriault.

GRAFTON: Arnesen, Bean, Bennett, Chambers, Densmore, Easton, Hutchings, Wayne King, Rounds, Scanlan, Stewart, Taffe, Wadsworth, Walter and Ward.

HILLSBOROUGH: Barry, Bass, Bergeron, Bourdon, Bourque, Bridgewater, Burkush, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Donovan, Dwyer, Dykstra, Joseph Eaton, Nancy Ford, Scott Green, Marian Harrington, Healy, Hendrick, Holden, Michael Jones, Keefe, Levesque, Lown, Martin, McCue, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pressly, Raiche, Reardon, Ellen-Ann Robinson, Shriver, Leonard Smith, Stonner, Mary Sullivan, Turgeon, Van Loan, Wagner, Harold Watson, Winn and Worthen.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, James Chandler, Connolly, Fraser, Hager, Mary Holmes, Jelley, Lewis, Millard, Pannell, Pantzer, Phelps, Rehlander, Linwood Rogers, Gerald Smith, Stio, Wallner and West.

ROCKINGHAM: Benton, Blanchard, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Connors, Conroy, Day, Emanuelson, Harry Flanders, Gourdeau, Elizabeth Greene, Robert Johnson, Joslyn, George Katsakiores, Phyllis Katsakiores, Krasker, Mace, Magoon, Robert Mason, Nagel, Palumbo, Pantelakos, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Tufts, Vartanian, Vaughn and Wells.

STRAFFORD: Bates, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frechette, Frew, Hussey, Robert Jones, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Francis Robinson, Spear, Henry Sullivan, Swope, Ann Torr and Ralph Torr.

SULLIVAN: Brodeur, Disnard, Domini, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus and Spaulding.

NAYS 117

BELKNAP: Brough, Dexter, Golden, Holbrook, Jensen and James J. White.

CARROLL: Ashnault, Gene Chandler and Powers.

CHESHIRE: Burley, Delano, Morse, Parker, Perry, Ramsay and Scranton.

COOS: Brungot, Harold Burns, Guay, Horton and York.

CRAFTON: Christy, Driscoll, Duggan, LaMott, McAvoy, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Robert Blanchette, Boisvert, Lionel Boucher, Boutwell, John Burns, Chagnon, Cox, Ducharme, Duperron, Durant, Fields, Fried, Gagnon, Grip, Herod, Hogan, Humphrey, Hyman, George Jones, Kelley, Knight, Labombarde, Lozeau, Howard Mason, Nute, Paquette, Paradis, Pariseau, Perham, Prestipino, Frances Riley, Philip Rodgers, Sallada, B. P. Smith, Steiner, Sylvia, Tamposi, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittlemore and Lucille Wood.

MERRIMACK: Barberia, Laurent Boucher, Gilbreth, Gross, Hayes, C. William Johnson, Kidder, Arthur Locke, Doris Riley, Roberts, Savaria and James Whittlemore.

ROCKINGHAM: Lawrence Chase, Clay, Ellyson, Bert Ford, Beverly Gage, Thomas Gage, Goss, Haynes, Kane, Roger King, Longworth, Malcolm, McCain, McKinney, Norman Rogers, Scamman, Schmidtchen, Schwaner, Seward, Simon, Sytek, Welch and Woodward.

STRAFFORD: Appleby, Berkey, Patricia Foss, Parks and Franklin Torr.

SULLIVAN: Call, D'Amante, Ingram and Rodeschin, and the veto was sustained lacking the constitutional requirement of two-thirds.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

UNANIMOUS CONSENT

Rep. Pannell addressed the House by Unanimous Consent.

Thank you, Mr. Speaker, fellow members. It seems appropriate at this stage in the

1985 legislative session, as we come into the home stretch, to pay tribute to those responsible for guiding this sometimes fractious body through increasingly tumultuous times. While a few dark clouds remain on the horizon, it is gratifying to be able to look back on the successful enactment of a number of really significant pieces of legislation, e.g. the living will law and the new foundation aid formula, to name but two. Passage of these and other bills has required exemplary cooperation, occasionally some sacrifice for the general good, respect for the views of others. Clearly, nothing would ever be accomplished if each of 400 independent persons held stubbornly to his or her individual views. Consequently, it is absolutely essential that we develop and foster an esprit de corps to permit achievement of the best possible result for the people of New Hampshire.

Throughout the legislative process, the man we chose to be Speaker has ensured that the will of the House of Representatives was carried out and not thwarted by external political forces.

Therefore, I would like, at this time, to call for a show of support and admiration for the Honorable John B. Tucker.

Rep. Burdick moved that Rep. Pannell's remarks be printed in the Journal.

Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills and Enrolled Amendments.

Adopted.

The House recessed at 2:47 p.m.

RECESS

(Rep. Rounds in the Chair)

ENROLLED BILLS AMENDMENTS

SB 211-FN, relative to the road toll statute.

Amendment

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Repeal. RSA 260:53, relative to fees levied by other states, is hereby repealed.

3 Effective Date.

I. Section 1 of this act shall take effect on July 1, 1985, at 12:01 a.m.

II. The remainder of this act shall take effect on July 1, 1985.

This amendment eliminates the contingent amendment of RSA 260:52, V in section 2 of the bill due to the passage of HB 614, chapter 236 of the laws of the 1985 regular session.

Adopted.

HB 184-FN, relative to the disposition of moneys to be derived from the sale of

property at the site of the burned out department of fish and game headquarters.

Amendment

Amend paragraph II of section 1 of the bill by striking out line 4 and inserting in place thereof the following:

property is excluded from the provisions of 1983, 469:86.

This amendment deletes the word "the" which was erroneously inserted in one line of the bill.

Adopted.

HB 740, recodifying the historic preservation statutes.

Amendment

Amend RSA 227-C:5 as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

rules, under RSA 541-A, relative to:

Amend section 4 of the bill by inserting after paragraph II the following new paragraph:

III. If HB 26 of the 1985 regular session of the general court becomes law, then sections 6, I(d) and (e), 33-40 and 43, III of HB 26 shall not take effect.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Technical Corrections. Amend RSA 21-K:8, IV as inserted by section 1 of HB 26 of the 1985 regular session of the general court by striking out said paragraph and inserting in place thereof the following:

IV. Historic preservation activities, as authorized by RSA 227-C:5, provided that the rules shall be subject to ratification by the state historic resources council established by RSA 227-C:13.

7 Contingency. Section 6 of this act shall take effect on the date the department of libraries, arts and historical resources becomes operational and only if HB 26 of the 1985 regular legislative session becomes law.

8 Effective Date.

I. Sections 4, 5, 7 and 8 of this act shall take effect upon its passage.

II. Sections 1, 2 and 3 of this act shall take effect as set forth in section 4 of this act.

III. Section 6 of this act shall take effect as set forth in section 7 of this act.

This amendment corrects a grammatical error in the bill. This amendment also provides for certain contingent technical corrections if HB 26 becomes law. The amendment voids some provisions of HB 26 which are incorporated in this bill in a recodified version.

Adopted.

HB 434-FN, relative to missing children and making an appropriation therefor.

Amendment

Amend section 7 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

XIII-a. To prepare and distribute the informational bulletin and materials as required under RSA 170-G:8-a.

Amend section 8 of the bill by striking out line 3 and inserting in place thereof the following:

170-G:8-a Informational Materials.

Amend paragraph II of section 10 of the bill by striking out line 4 and inserting in place thereof the following:

materials required by RSA 170-G:8-a. The governor is authorized to

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Duties; Informational Materials.

Amend RSA 170-G:4 by inserting after paragraph XIII the following new paragraph:

XIII-a. To prepare and distribute the informational bulletin and materials as required under RSA 170-G:8-b.

13 Informational Materials. Amend RSA 170-G by inserting after section 8-a the following new section:

170-G:8-b Informational Materials.

I. The division shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

(a) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children.

(b) Statutory offenses that could relate to missing children, including, but not limited to, kidnapping, unlawful restraint, child stealing, interference with custody, endangering the welfare of a child, domestic violence, abuse of a child, neglect, delinquency of a child, sexual offenses, drug offenses, prostitution offenses, obscenity offenses, and other provision of law that could relate to missing children.

(c) Legislation being considered by the general court, legislatures of other states, the Congress of the United States, and political subdivisions in this and other states to address missing children issues.

(d) Sources of information on missing children issues.

(e) State, local, federal, and private systems for locating and identifying missing children.

(f) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters.

(g) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations.

(h) The identification of private organizations that, among their primary objectives, address missing children issues and matters, and any toll free numbers offered by these organizations.

II. The division shall provide, upon request and subject to paragraph IV, a copy of any informational material to another person or entity.

III. The director shall by rule establish a reasonable fee for a copy of any informational material acquired or prepared pursuant to paragraph I, to be provided to a person or entity other than a law enforcement agency in this or other states or of the federal government, a board of education of a school district in this state, a nonpublic school in this state, a governmental entity in this state, or a library in this state. The fee shall be collected by the division prior to sending or giving any informational material to such a person or entity. Fees collected pursuant to this paragraph shall be deposited monthly in the general fund.

IV. Each year the division shall issue a report describing its performance of the functions specified in this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the attorney general, and the commissioner of education.

14 Appropriation.

I. The sum of \$20,000 is hereby appropriated for the biennium ending June 30, 1987, to the department of education for the purposes of funding the missing child education program as established by this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$30,000 is hereby appropriated for the biennium ending June 30, 1987, to the division for children and youth services for the purposes of preparing and distributing the informational bulletin and materials required by RSA 170-G:8-b. The governor is authorized to draw his warrant for said sum out any money in the treasury not otherwise appropriated.

15 Contingency.

I. If HB 557 of the 1985 regular session becomes law, sections 12, 13, and 14 of this act shall take effect July 1, 1985, and sections 7, 8, and 10 of this act shall not take effect.

II. If HB 557 does not become law, sections 7, 8, and 10 of this act shall take effect July 1, 1985, and sections 12, 13, and 14 of this act shall not take effect.

16 Effective Dates.

I. Sections 7, 8, 10, 12, 13, and 14 of this act shall take effect as provided in section 15 of this act.

II. The remainder of this act shall take effect July 1, 1985.

This amendment rennumbers certain provisions within RSA 170-G to avoid

duplicating the numbering of provisions inserted by HB 557, HB 766, HB 776, and SB 1.

The amendment also inserts a contingent provision to avoid duplicating the numbering of a section inserted by HB 557.

Adopted.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way and the relocation of certain public utility property.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Regulation. Amend RSA 236:1 as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:1 Regulation. The commissioner may regulate the use of class I, class II and class III highways in towns or cities without compact sections and in other towns and cities outside the compact portion thereof as determined by him, including the use of rights-of-way. He may establish stop intersections, erect stop signs, yield right-of-way signs, or other traffic devices or signals thereon or upon any way entering thereon.

4 Contingency Provision.

I. If HB 556 becomes law, section 3 of this act shall take effect one day after HB 556 becomes law, and section 1 shall not take effect.

II. If HB 556 does not become law, section 1 of this act shall take effect 60 days after its passage, and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

This amendment makes conditional changes in the wording of RSA 236:1 to incorporate changes to the same section by HB 556 if HB 556 becomes law.

Adopted.

HB 579, relative to regulation of manufactured housing parks.

Amendment

Amend section one of the bill by striking out line 2 and inserting in place thereof the following:

amended by striking out said section and inserting in place thereof:

This amendment corrects an error in the amending language in section one of the bill.

Adopted.

HB 666, relative to school district budgets and municipal accounts.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Special Education Liability;
Exceeding Annual Budget. Amend RSA 186-C:13 (supp) as inserted by 1981, 352:2 as amended by striking out said section and inserting in place thereof the following:

186-C:13 Liability for Expenses.

I. All expenses incurred by a school district in administering the law in relation to education for educationally handicapped children shall be paid by the school district where the child resides, except as follows:

(a) When an educationally handicapped child is placed in a home for children or health care facility as defined in RSA 193:27, the liability for expenses for such child shall be determined in accordance with RSA 193:29.

(b) When an educationally handicapped child is placed in a state institution, the liability for expenses for such child shall be determined in accordance with RSA 186-C:19.

II. For the purposes of meeting the financial obligation for expenses incurred during this chapter, a school district may exceed its annual budget to the extent of additional special education aid which the district has actually received from the state after the annual school district budget was approved.

III. No school district shall be required to pay the expenses of the education program of a child adjudicated under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C.

4 Budgeting Teachers' Salaries; Fiscal-Year Communities. Amend RSA 21-J:17 as inserted by 1985, 204:1 by striking out said section and inserting in place thereof the following:

21-J:17 Uniformity of Municipal Accounts. The accounting officers of the several counties, cities, towns, school and village districts, and their departments, shall keep uniform accounts; provided, however, that any community that budgets on a July 1 to June 30 basis shall be permitted to budget teacher salaries on the same basis.

5 Contingency Provision.

I. If HB 349 of the 1985 regular legislative session does not become law, section 1 of this act shall take effect 60 days after its passage, and section 3 of this act shall not take effect.

II. If HB 349 becomes law, section 3 of this act shall take effect 60 days after its passage, and section 1 of this act shall not take effect.

6 Effective Date.

I. Section 1 and 3 of this act shall take effect as provided in section 5 of this act.

II. Section 4 of this act shall take effect on the date that 1985, 204:23 takes effect.

III. The remainder of this act shall take effect 60 days after its passage.

This amendment provides a contingent amendment to RSA 186-C:13, so that if HB 349

and this bill become law, their respective provisions are retained. The amendment also inserts a section to fit the amendment to RSA 71-A:17 into the reorganized revenue administration law (Chapter 204).

Adopted.

HB 45, relative to licenses issued by the department of fish and game.

Amendment

Amend section 24 of the bill by striking out line one and inserting in place thereof the following:

24 Exception for Aged Persons. Amend RSA 211:62-aa (supp) as inserted by

Amend section 32 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

section 9-d the following new section:

214:9-e Stamps or Permits May be Authorized.

This amendment corrects the amending language in sections 24 and 32 of the bill.

Adopted.

HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor.

Amendment

Amend RSA 115-A:2, IV as inserted by section one of the bill by striking out lines 1-3 and inserting in place thereof the following:

IV. "Parent" includes natural mother or father, stepmother or stepfather, mother or father through legal adoption, or any person who stood in loco parentis.

Amend RSA 115-A:6 as inserted by section one of the bill by striking out line 10 and inserting in place thereof the following:

into service. Proof of relationship in loco parentis shall be established

This amendment corrects 3 typographical errors in the bill.

Adopted.

HB 692-FN, relative to contribution rates for unemployment compensation.

Amendment

Amend section 11 of the bill by striking out line 3 and inserting in place thereof the following:

282-A:87 Contribution Rates.

This amendment corrects a typographical error in the bill.

Adopted.

HB 589-FN, relative to agricultural activities and municipal planning and zoning powers and relative to division of public works planning and design costs.

Amendment

Amend RSA 672:1, III-a as inserted by section 1 of the bill by striking out line 11 and inserting in place thereof the following:

interpretation of such powers;

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Agricultural Activities. Amend RSA 672:1 by inserting after paragraph III-a the following new paragraph:

III-b. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers;

4 Contingency Provision. Section 3 of the act shall take effect 60 days after its passage only if HB 769 of the 1985 regular session becomes law; if HB 769 becomes law, section 1 of this act shall not take effect. If HB 769 does not become law, section 1 of this act shall take effect 60 days after its passage.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect July 1, 1985.

This amendment corrects a grammatical error and inserts a conditional section which will implement a numbering change if HB 769 becomes law.

Adopted.

HB 557, relative to the division for children and youth services and an adoption assistance compact.

Amendment

Amend section 10 of the bill by striking out line 3 and inserting in place thereof the following:

170-G:8-a Confidentiality of Records. The contents of the records of the

This amendment rennumbers an RSA section to avoid duplicating the numbering of a section inserted by HB 776.

Adopted.

HB 490, relative to the pharmacy board and amending the controlled drug act.

Amendment

Amend RSA 318-B:24 as inserted by section 23 of the bill by striking out lines 1-9 and inserting in place thereof the following:

318-B:24 Rulemaking.

I. The director, division of public health services, in conjunction with the pharmacy board, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Investigations and hearings on controlled drugs under RSA 318-B:1, VI.

(b) Official forms required by RSA 318-B:1, XIX.

(c) Licenses under RSA 318-B:4.

(d) Revocation procedures under RSA 318-B:11.

(e) Labels under RSA 318-B:13.

(f) Any other matters necessary for the efficient enforcement of this chapter.

II. The director, division of public health services, and the pharmacy board are hereby required to adopt rules under this chapter to conform with regulations promulgated by the Secretary of the Treasury of the United States, his delegate, the Secretary of Health and Human Services of the United States, or the United States Attorney General under the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the federal food and drug laws.

This amendment combines the rulemaking provisions of RSA 318-B:24 as inserted by HB 129-FN (Chapter 190) with the rulemaking provisions of this bill.

Adopted.

HB 84, relative to clarification of certain terms concerning special education children.

Amendment

Amend section 3 of the bill by striking out lines 2-5 and inserting in place thereof the following:

1981, 326:1 as amended by striking out said paragraph and inserting in place thereof the following:

This amendment corrects the amending language in section 3 of the bill.

Adopted.

HB 333-FN, relative to the mailing of resident tax bills, tax liens connected with

the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks; and making an appropriation therefor.

This amendment modifies the bill's title to include the words "and making an appropriation therefor."

Adopted.

HB 734-FN, relative to child support enforcement and making an appropriation therefore.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to child support enforcement and making an appropriation therefor.

Amend RSA 458-B:3, V as inserted by section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

section shall preclude an obligee from receiving payments directly from the obligor's employer unless the obligee wishes the payments to be routed

Amend RSA 458-B:4, II as inserted by section 2 of the bill by striking out line 6 and inserting in place thereof the following:

RSA 458-B:5. Where wage assignment is contested by the obligor, the payee or

Amend RSA 458-B:5, V as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

obligor shall be given at least 15 days prior to notice of the commencement of

Amend section 7 of the bill by striking out lines 9 and 10 and inserting in place thereof the following:

is not self-supporting, married, or a member of the armed services, or who has not reached the age of 18 years.

Amend section 21 of the bill by striking out line 1 and inserting in place thereof the following:

21 Right to Trial de novo Eliminated; Appellate Review Only. Amend RSA

This amendment corrects a spelling error in the title of the bill and corrects several grammatical errors.

Adopted.

HB 697-FN, relative to courts and court procedure.

Amendment

Amend section one of the bill by striking out line 3 and inserting in place thereof the following:

striking out said paragraphs and inserting in place thereof the following:

This amendment corrects the amending language to section one of the bill.

Adopted.

HB 586, relative to a technical amendment of the Uniform Securities Act and licensing requirements for agents, brokers-dealers and issuer-dealers.

Amendment

Amend the title of HB 586 by striking out same and inserting in place thereof the following:

AN ACT

relative to a technical amendment of the Uniform Securities Act and licensing requirements for agents, broker-dealers and issuer-dealers.

This amendment corrects the grammatical error in the title of the bill by changing "brokers" to "broker".

Adopted.

HB 486-FN, relative to tuition and to certain properties of the institutes of the department of vocational-technical education.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to tuition and to certain properties of the institutes of the department of vocational-technical education and making an appropriation therefor.

This amendment inserts the words "and making an appropriation therefor" in the title of the bill.

Adopted.

HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor.

Amendment

Amend section 1 of the bill by striking out lines 1, 2, 3, and 4 and inserting in place thereof the following:

1 Telecommunications Equipment Program. Amend RSA 200-C by inserting after section 6 the following new subdivision:
Telecommunications Equipment Program
200-C:7 Telecommunications Equipment Program.

Amend RSA 200-C:7 as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

200-C:8 Rulemaking Authority. The director of vocational rehabilitation

Amend RSA 200-C:7, I as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

established under RSA 200-C:7.

This amendment rennumbers the RSA sections to avoid duplication of section numbers as inserted by HB 113 which became effective upon passage.

Adopted.

HB 476-FN, relative to the health services competition law and making an appropriation therefor.

Amendment

Amend RSA 151-C:2, XI(a) as inserted by section 6 of the bill by striking out line 2 and inserting in place thereof the following:

employees, agents, or attorneys of the hospital; (ii) other persons or entities

Amend RSA 151-C:2, XVII as inserted by section 6 of the bill by striking out line 4 and inserting in place thereof the following:

Department of Health and Human Services determines, upon the basis

Amend RSA 151-C:3, II as inserted by section 6 of the bill by striking out line one and inserting in place thereof the following:

II. Each member appointed under subparagraph I(b) shall serve for 3

Amend section 7 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

health services planning and review board established by RSA 151-C:3. Other members of the health planning and review board shall consist

This amendment corrects certain technical errors and omissions in RSA 151-C:2, XI; 151-C:2, XVII; and 151-C:3, II as inserted by section 6 of the bill. The amendment also corrects a grammatical error in section 7.

Adopted.

HB 436-FN, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making and appropriation therefor; and relative to any exception for highway building equipment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a study of the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor; and relative to an exception for highway building equipment.

This amendment corrects grammatical errors in the title.

Adopted.

HB 421-FN, relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor and relative to the excellence in education program.

This amendment corrects the title of the bill to reflect the changes in the bill made as a result of House and Senate amendments.

Adopted.

HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program.

Amendment

Amend section 4 of the bill by striking out line 4 and inserting in place thereof the following:

146-A:4 Water Supply and Pollution Control Commission.

I. Whenever an oil or petroleum product or by-product discharge or

This amendment inserts a missing RSA section heading.

Adopted.

HB 186-FN, relative to home health care providers and making an appropriation therefor; and establishing renewal dates for insurance licenses.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 License Fees. Amend RSA 151:5, I by inserting after subparagraph (c) the following new subparagraph:

(d) Home health care providers; \$20.00 per year.

1985, 190 (HB 129) amended RSA 151:5 in a similar manner as this bill; however, the subparagraph relative to home health care providers was not included in HB 129. This amendment integrates the provision relating to home health care providers into the format of the HB 129 section.

Adopted.

HB 142-FN, relative to sunset review of agricultural regulations program.

Amendment

Amend section 3 of the bill by striking out lines 1-6 and inserting in place thereof the following:

3 Pesticide Control. Amend RSA 430:28-47 as inserted by 1985, 72:1 by striking out said subdivision and inserting in place thereof the following:

Pesticides Controls

430:28 Declaration of Purpose. The purpose of this subdivision is to

Amend RSA 149-D:2 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:29 Definitions. In this subdivision:

Amend RSA 149-D:2, IV as inserted by section 3 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

IV. "Board" means the pesticide control board as established by this subdivision.

Amend RSA 149-D:2, XXX as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

to the provisions of this subdivision.

Amend RSA 149-D:2, XXXI as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following: subdivision.

Amend RSA 149-D:3 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:30 Pesticide Control Board.

Amend RSA 149-D:3, I(j) as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

neither commercial nor private applicators as defined in this subdivision, and

Amend RSA 149-D:3, V as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

appropriated for the purpose of this subdivision.

Amend RSA 149-D:4 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:31 Board Responsibility and Authority. The board shall:

Amend RSA 149-D:4, III as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

the purpose of carrying out any of the functions of this subdivision.

Amend RSA 149-D:4, IV(k) as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

registered under the provisions of this subdivision; provided that such rules shall

Amend RSA 149-D:4, IV(m) as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

(m) procedures for the appeal process provided under RSA 430:44.

Amend RSA 149-D:4, IV(v) as inserted by section 3 of the bill by striking out lines 9 and 10 and inserting in place thereof the following:

subdivision, as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

Amend RSA 149-D:4, IV(w) as inserted by section 3 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

(w) the rules required by RSA 430:33; RSA 430:34; RSA 430:35; RSA 430:39 and RSA 430:41.

Amend RSA 149-D:5 as inserted by section 3 of the bill by striking out lines 1-3 and inserting in place thereof the following:

430:32 Division Established. There is hereby established the division of pesticide control within the department of agriculture which shall administer and enforce this subdivision under the direction of the commissioner of

Amend RSA 149-D:6 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:33 Registration Certificates and Permits.

Amend RSA 149-D:6, II as inserted by section 3 of the bill by striking out line 3 and inserting in place thereof the following:

division except as provided in RSA 430:46. The division shall require each

Amend RSA 149-D:6, III as inserted by section 3 of the bill by striking out lines 4-11 and inserting in place thereof the following:

registration or permit issued under this subdivision, if it finds that the holder is no longer qualified, has engaged in fraudulent business practices in the application of pesticides, or has made any application in a careless, or negligent manner, or has violated any of the provisions of this subdivision or rules of the board or any orders issued under this subdivision, or has been convicted or is subject to a final order imposing a civil penalty under section 14 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, or under this subdivision.

Amend RSA 149-D:7 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:34 Application for Registration and Permits.

Amend RSA 149-D:7, IV and V as inserted by section 3 of the bill by striking out said paragraphs and inserting in place thereof the following:

IV. One member of each crew operating a piece of equipment as a commercial applicator must be registered as required under this subdivision. Any application of pesticides by a commercial applicator or person requiring a permit must be by or under the direct supervision of an individual who has satisfied the examination requirement of RSA 430:33, I or the examination or other competence verification requirement of RSA 430:33, II.

V. Fees collected from applicants for registration as commercial applicators under this subdivision constitute a special pesticides control fund which does not lapse but may be used at any time to carry out the provisions of this subdivision.

Amend RSA 149-D:8 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:35 Pesticide Dealer License.

Amend RSA 149-D:8, IV as inserted by section 3 of the bill by striking out line 5 and inserting in place thereof the following:

any violation of this subdivision, whether committed by the dealer, or by the

Amend RSA 149-D:9 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:36 Pesticide Product Registration. Every pesticide which is

Amend RSA 149-D:10 as inserted by section 3 of the bill by striking out said section and inserting in place thereof the following:

430:37 Exception. Notwithstanding any other provisions of this subdivision, registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person and used solely at such plant as a constituent part to make a pesticide which is registered under this subdivision or distributed under the provisions of an experimental use permit issued under this subdivision or by the United States Environmental Protection Agency.

Amend RSA 149-D:11 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:38 Statement Required.

Amend RSA 149-D:11 as inserted by section 3 of the bill by striking out lines 18-20 and inserting in place thereof the following:

time to carry out the provisions of this subdivision.

IV. The division, when deemed necessary in the administration of this subdivision, may require the submission of the complete formula of any

Amend RSA 149-D:11, VI and VII as inserted by section 3 of the bill by striking out said paragraphs and inserting in place thereof the following:

VI. If it appears to the division that the composition of the article is such as to warrant the proposed claims for it and if it appears that the pesticide would not cause unreasonable adverse effects on the environment, and if the registrant has complied with all other provisions of this subdivision, the division shall register the pesticide.

VII. If the division determines that any federally registered pesticide with respect to the use of such pesticide within this state,

(a) Does not warrant the claims for it, or

(b) If the pesticide would cause unreasonable adverse effects on the environment, the division may refuse to register the pesticide or if the pesticide

is registered under this subdivision, the registration may be cancelled or suspended as otherwise provided by this subdivision.

Amend RSA 149-D:12 as inserted by section 3 of the bill by striking out lines 1-6 and inserting in place thereof the following:

430:39 Special Local Needs Registrations.

I. Provided the state is certified by the administrator of the United States Environmental Protection Agency, if required, to register pesticides to meet special local needs pursuant to section 24 (c) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, the division shall require the information set forth in RSA 430:38 and shall,

Amend RSA 149-D:12, I(b) as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

comply with the requirements of this subdivision;

Amend RSA 149-D:12, III(a) and (b) as inserted by section 3 of the bill by striking out said subparagraphs and inserting in place thereof the following:

(a) If it appears to the division that an application for registration cannot be granted pursuant to paragraphs I and II, and any rules adopted thereunder, the applicant shall be notified of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with this subdivision or any rules thereunder, so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice the applicant does not make the required changes, the division may refuse to register the pesticide. The applicant may request a hearing as otherwise provided in this subdivision.

(b) If the division determines that a pesticide or its label does not comply with this subdivision or the rules adopted thereunder, or when necessary to prevent unreasonable adverse effects on the environment, they may cancel the registration of a pesticide or change the classification of a pesticide, after a hearing in accordance with this subdivision.

Amend RSA 149-D:13 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:40 Experimental Use Permits.
Provided the state is authorized by

Amend RSA 149-D:13, I as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

needs under RSA 430:39. An application for an experimental use permit may

Amend RSA 149-D:14 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:41 Prohibited Acts.

Amend RSA 149-D:14, I(a) as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

provisions of RSA 430:36, or any pesticide if any of the claims made for it

Amend RSA 149-D:14, I(c) as inserted by section 3 of the bill by striking out line 2 and inserting in place thereof the following:

highly toxic to man, determined as provided in RSA 430:31, unless the label

Amend RSA 149-D:15 as inserted by section 3 of the bill by striking out said section and inserting in place thereof the following:

430:42 Administration and Enforcement.

I. The commissioner through the division shall be responsible for and shall arrange for the administration and enforcement of the provisions of this subdivision and the administrative rules of the board.

II. The division may issue an order to any person in violation of any provision of this subdivision, a permit or certificate of registration issued under this subdivision, or a rule adopted under this subdivision, to cease and desist from any act in violation of such provision, the permit or certificate of registration, or the rule. Orders of the division issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order to the board in accordance with the provisions of this subdivision.

III. The division is authorized to examine any pesticides for the purpose of determining whether it complies with the registration requirements set forth in RSA 430:36, RSA 430:37, and RSA 430:38.

IV. The division may hold hearings concerned with the issuance of permits and certificates of registration, and the enforcement of these and any other provisions under this subdivision.

V. The division may issue written "stop sale, use or removal" orders upon the owner or custodian of any pesticide or device when it is believed that such pesticide or device is being distributed in violation of any of the provisions of this subdivision, or of any of the prescribed rules under this subdivision. The pesticide or device shall not be sold, used or removed until the provisions of this subdivision have been complied with and the pesticide or device has been released by the division or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

VI. The division may seize for forfeiture any pesticide that is distributed, sold, or offered for sale within this state or delivered for

transportation or transported in intrastate commerce or between points within this state through any point outside this state which shall be liable to be proceeded against in any court in any county of the state where it may be found as provided by RSA 617;

(a) if it is adulterated or misbranded;

(b) if it has not been registered under the provisions of paragraph III; and

(c) if it fails to bear on its label the information required by this subdivision.

VII. The division may impose administrative fines, pursuant to RSA 430:45, III, in the enforcement of this subdivision, according to procedures set forth in RSA 541-A.

Amend RSA 149-D:16 as inserted by section 3 of the bill by striking out lines 1-5 and inserting in place thereof the following:

430:43 Inspections; Authority to Enter Premises. Notwithstanding any other provisions of this subdivision, the division, or its duly authorized agents has the authority to enter upon any public or private premises at reasonable times for the purpose of determining compliance with this subdivision, rules adopted by the board pursuant to this subdivision or any

Amend RSA 149-D:16, VIII as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

VIII. Issue orders and seize pesticides as authorized in RSA 430:42.

Amend RSA 149-D:17 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:44 Appeals.

Amend RSA 149-D:18 as inserted by section 3 of the bill by striking out lines 1-4 and inserting in place thereof the following:

430:45 Penalties.

I. Any person who violates any of the provisions of this subdivision or rules of the board or an order issued under this subdivision or who falsifies any records required to be kept pursuant to this subdivision, or who obtains a

Amend RSA 149-D:18, II and III as inserted by section 3 of the bill by striking out said paragraphs and inserting in place thereof the following:

II. Any person who violates any provision of this subdivision, or any rule or order issued under this subdivision shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for each such violation, or each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney

general. The proceeds of any such forfeiture shall be utilized in the enforcement of this subdivision, for pesticide control research or to remedy damage to the resources of the state caused by unlawful pesticide use and application.

III. Any person who violates any provision of this subdivision, or any rule or order of the division may be subject to the imposition of an administrative fine levied by the division, not to exceed \$1,000 for each violation.

Amend RSA 149-D:19 as inserted by section 3 of the bill by striking out lines 1-9 and inserting in place thereof the following:

430:46 Exemptions.

I. The following types of application of pesticides are exempt from the requirements of RSA 430:33:

(a) While engaged in research or experimental work for or under the direction of the state department of agriculture, United States Department of Agriculture or the university of New Hampshire agriculture experiment station, except that these users shall keep records of pesticides used by them in a manner required by other users of pesticides under this subdivision, and except that no pesticide which is classified for use only by

Amend RSA 149-D:19, I(c) as inserted by section 3 of the bill by striking out line 6 and inserting in place thereof the following:

administration of this subdivision.

Amend RSA 149-D:19, II as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

II. The following are exempt from the provisions of RSA 430:41, I:

Amend RSA 149-D:19, II(b) as inserted by section 3 of the bill by striking out line 6 and inserting in place thereof the following:

pursuant to this subdivision or by the United States Environmental Protection

Amend RSA 149-D:20 as inserted by section 3 of the bill by striking out line 1 and inserting in place thereof the following:

430:47 Cooperation. The division is authorized and empowered to

Amend RSA 149-D:20 as inserted by section 3 of the bill by striking out line 5 and inserting in place thereof the following:

this subdivision and securing uniformity of rules.

Amend RSA 149-D:21 as inserted by section 3 of the bill by striking out line 1-3 and inserting in place thereof the following:

430:48 Limiting Operation of Statute. Nothing in this subdivision modifies or limits in any way the powers and duties of

the commissioner of agriculture under RSA 430:1-8, of the water supply and pollution control commission.

Amend the bill by striking out sections 4, 5, and 6 and inserting in place thereof the following:

4 Repeal. RSA 149-D, relative to pesticides controls, is hereby repealed.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect upon its passage.

HB 142-FN, as amended, contained a conditional amendment so that if HB 25 became law, RSA 149-D, as inserted by section 3 of this bill, would be repealed and its amended provisions would be inserted into the appropriate place in recodified RSA 430. House Bill 25 has become law (Chapter 72), and this enrolled bill amendment makes the required citation and cross-reference changes.

Adopted.

HB 104-FN, relative to sunset review of the pari-mutuel commission.

Amendment

Amend the bill by striking out section 3 and renumbering sections 4 and 5 to read 3 and 4 respectively.

This amendment deletes section 3 of the bill because it reenacts word for word the current law.

Adopted.

HB 180, establishing a department of justice and making an appropriation therefor.

Amendment

Amend 21-J:8 as inserted by section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

21-J:8 Criminal Justice Bureau.

I. There is hereby established within the bureau of public protection a criminal justice bureau. The bureau shall be

Amend the bill by striking out all after section 31 and inserting in place thereof the following:

32 Reference Change Authorized. In the event that SB 199, SB 200, or HB 26 of the 1985 regular session of the general court become law, all references to RSA 21-J in this act shall be deemed to refer to either RSA 21-K, RSA 21-L, or RSA 21-M, depending upon how many, if any, of the above mentioned bills become law. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make these changes, provided that no substantive changes may thereby be made.

33 Effective Dates.

I. Sections 1, 2, 3, 8, 27, 31 and 33 of this act shall take effect on July 1, 1985.

II. Section 30 of this act shall take effect on July 1, 1987.

III. Section 32 of this act shall take effect upon its passage.

IV. The remainder of this act shall take effect when the department of justice becomes operational on the date set according to the laws of 1983, 372:5, II.

This amendment inserts an omitted paragraph designation and a contingency provision to provide for the renumbering of the chapter inserted by this bill if other bills with the same chapter numbers become law.

Adopted.

HB 163, relative to closure of food service establishments.

Amendment

Amend RSA 143:5-a, III as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

manager or owner of any establishment closed under RSA 143:5-a, I, the division

This bill inserts the letters "RSA" which were erroneously omitted from a citation in the bill.

Adopted.

SB 32-FN, an omnibus bill relative to public protection.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to matters of public protection.

Amend section 10 of the bill by striking out lines one, 2 and 3 and inserting in place thereof the following:

10 Jet Skis. Amend RSA 270 by inserting after section 30-a the following new section:

270:30-b Jet Skis. No person under 15 years of age shall operate jet

This amendment corrects a grammatical error in the title and corrects the numbering of a new section inserted by the bill.

Adopted.

SB 30-FN, relative to regulatory boards and commissions.

Amendment

Amend section one of the bill by striking out line one and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 332-F the following new chapter:

This amendment inserts a section heading in section one of the bill.

Adopted.

SB 27-FN, allowing off-site caterers to sell liquor and beverages to members of a private party.

Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Off-site Caterers. Amend RSA 178 by inserting after section 5-h the

Amend RSA 178:5-h as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

178:5-i Off-site Caterers. The commission may issue a special license

This amendment renumbers an RSA section to avoid duplicating the number of an RSA section inserted by HB 538 (Chapter 191).

Adopted.

HB 404-FN, deleting the requirement for district court sessions in Epping.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 2, 1986.

This amendment corrects a technical error in the effective date as inserted by section 2 of the bill.

Adopted.

HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licensees or permittees.

Amendment

Amend RSA 175:6-b, I as inserted by section one of the bill by striking out line 3 and inserting in place thereof the following:

purchaser to furnish any of the following documentation that he is 21 years of

This amendment incorporates a substantive change from HB 65 (Chapter 3).

Adopted.

HB 55-FN, authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor.

Amendment

Amend RSA 318-B:1, VII-a as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

services, department of health and human services.

This amendment corrects a reference in section 2 of the bill.

Adopted.

HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor.

Amendment

Amend section 3 of the bill by striking out lines 1-3 and inserting in place thereof the following:

3 Governor and Council Approval. Amend RSA 432 by inserting after section 31 the following new section:

432:31-a Governor and Council Approval. The purchase of any

Amend section 3 of the bill by striking out line 6 and inserting in place thereof the following:

by the state pursuant to the provisions of this subdivision shall be approved.

This amendment makes changes in section 3 of the bill to reflect the recodification of the agricultural laws in HB 25.

Adopted.

HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison.

Amendment

Amend section 11 of the bill by striking out line one and inserting in place thereof the following:

11 Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as

This amendment corrects an error in the RSA citation in the amending language.

Adopted.

HB 485-FN, relative to the number plate fund.

Amendment

Amend section 3 of the bill by striking out line one and inserting in place thereof the following:

3 Inventory Fund. Amend RSA 228:24 as inserted by 1981, 87:1 by striking

This amendment corrects a punctuation error and a citation error on the bill.

Adopted.

HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor.

Amendment

Amend RSA 28:7 as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

county buildings at a cost exceeding \$5,000; and, with like authority, they

This amendment reflects the amendment to RSA 28:7 made in Chapter 60 (HB 243) which allowed county commissioners, when authorized by the county convention, to enlarge or erect county buildings at a cost exceeding \$5,000.

Adopted.

SB 1-FN, relative to the settlement laws.

Amendment

Amend section 4 of the bill by striking out lines 1-3 and inserting in place thereof the following:

4 Nonresidents. Amend RSA 165 by inserting after section 1-b the following new section:

165:1-c Nonresidents. Any person, poor and unable to support himself,

Amend section 26 of the bill by striking out lines 1-3 and inserting in place thereof the following:

26 County Reimbursement. Amend RSA 170-G by inserting after section 5 the following new section:

170-G:5-a County Reimbursement. County payments due under RSA 169-B:40,

Amend section 49 of the bill by striking out line 1 and inserting in place thereof the following:

49 Recovery by Towns. Nothing in this act shall affect the right of

Amend the bill by striking out section 53 and inserting in place thereof the following:

53 Distribution of Funds. Amend RSA 170-G:4 by inserting after paragraph XV the following new paragraphs:

XVI. Encourage cities, towns and counties to develop and maintain court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and

counties which have, or are developing, alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated to the division for children and youth services in each fiscal year, and the method of distribution shall be based upon rules adopted under RSA 541-A by the director.

XVII. Establish rates for licensed child care facilities after consultation with the advisory board created by RSA 170-G:6.

54 Distribution of Funds. Amend RSA 170-G:4 by inserting after paragraph XIV the following new paragraphs:

XV. Encourage cities, towns and counties to develop and maintain court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated to the division for children and youth services in each fiscal year, and the method of distribution shall be based upon rules adopted under RSA 541-A by the director.

XVI. Establish rates for licensed child care facilities after consultation with the advisory board created by RSA 170-G:6.

55 Contingent Provision.

I. Section 43 of this act shall not take effect if either HB 557 or HB 766 of the 1985 regular session becomes law, or if both HB 557 and HB 766 become law. Section 43 of this act shall take effect January 1, 1986, if neither HB 557 nor HB 766 becomes law. If section 43 of this act becomes effective, sections 53 and 54 of this act shall not take effect.

II. If HB 557 and HB 766 both become law, section 53 of this act shall take effect January 1, 1986, at 12:01 a.m. If section 53 of this act becomes effective, sections 43 and 54 of this act shall not take effect.

III. If either HB 557 or HB 766 becomes law, section 54 of this act shall take effect January 1, 1986, at 12:01 a.m. If section 54 of this act becomes effective, sections 43 and 53 of this act shall not take effect.

56 Orders for Support; Annual Review. Amend RSA 458:18 (supp) as amended by striking out said section and inserting in place thereof the following:

458:18 Orders for Support.

I. Whenever the court, acting under RSA 458:16 or 458:17, shall award the custody of a child to the director of the division for children and youth services, the court shall make a further order requiring the county in which the child resides at the time the order is made to bear the expense for the maintenance and care of said child, and the county shall have a right of action for such expense against whoever is legally chargeable for

the child's support. The court may make orders or reimbursements to the county of residence as may be reasonable and just.

II. The status of all children for whom custody has been granted to the division for children and youth services shall be reviewed at least once every year following the initial award of custody, but more frequently upon the request of the division for children and youth services.

57 Contingent Provision.

I. If HB 557 of the 1985 regular session becomes law, section 56 of this act shall take effect January 1, 1986, and section 11 of this act shall not take effect.

II. If HB 557 does not become law, section 11 of this act shall take effect January 1, 1986, and section 56 of this act shall not take effect.

58 Effective Date.

I. Sections 43, 53, and 54 of this act shall take effect as provided in section 55 of this act.

II. Sections 11 and 56 of this act shall take effect as provided in section 57 of this act.

III. The remainder of this act shall take effect January 1, 1986.

This enrolled bill amendment rennumbers RSA sections inserted by sections 4 and 26 of the bill to avoid conflicting with RSA sections inserted by SB 133 (chapter 106) and to avoid a potential numbering conflict with HB 776.

The amendment also inserts contingent provisions which 1) provide for different paragraph numberings, depending on whether or not HB 557 and HB 766 become law and 2) combine substantive changes made by HB 557 to take effect only if HB 557 becomes law.

Adopted.

SB 117, establishing an annual commemorative rifle or shotgun lottery.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Contingency; Reference Corrected.

Amend RSA 206-A:1 as inserted by section one of this act by striking out said section and inserting in place thereof the following:

206-A:1 Committee Established. There is hereby established a commemorative rifle or shotgun lottery committee. The committee shall be comprised as follows: the commissioner of libraries, arts and historical resources, or his designee; the executive director of the fish and game department; 2 members appointed by the commissioner of libraries, arts and historical resources; and 2 members appointed by the executive director of the fish and game department.

7 Effective Dates.

I. Section 5 of this act shall take effect July 1, 1987.

II. Section 6 shall take effect only if HB 26 of the 1985 regular session of

the general court becomes law and on the date the department of libraries, arts and historical resources becomes operational under 1983, 372:5, II.

III. The remainder of this act shall take effect July 1, 1985.

This amendment adds a section providing that if HB 26, establishing a department of libraries, arts and historical resources, becomes law, certain reference changes shall occur.

Adopted.

HB 169, relative to pesticides controls.

Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 Definition. Amend RSA 149-D:3 by inserting after paragraph XI the

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Contingency Provision. This act shall take effect only if HB 142-FN of the 1985 regular legislative session, An Act relative to sunset review of agricultural regulations program, does not become law.

8 Effective Date. This act shall take effect 60 days after its passage.

This amendment corrects a technical error and inserts a contingency provision which nullifies the bill if HB 142 becomes law. HB 142 recodifies RSA 149-D which was amended by this bill. HB 142 incorporates the changes made by this bill.

Adopted.

HB 265, relative to boat inspectors.

Amendment

Amend section one of the bill by striking out lines one and 2 and inserting in place thereof the following:

1 Definitions. Amend RSA 188-F:23, I (supp) as inserted by 1985, 152:1 by striking out said paragraph and inserting in place thereof

Amend section one of the bill by striking out line 7 and inserting in place thereof the following:

administered by the state or any of its political subdivisions and who is

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Definition. Amend RSA 188-F:23, I (supp) as inserted by 1985, 152:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. "Police officer" means any appointed or elected employee of a police

department or any appointed employee of a sheriff's department, the fish and game department, the department of safety, or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway, boating, or liquor laws of this state or any of its political subdivisions.

3 Contingent Provision. If HB 511 of the 1985 regular session becomes law, section 2 of this act shall take effect and section 1 of this act shall not take effect. If HB 511 does not become law, section 2 of this act shall not take effect and section 1 of this act shall take effect.

4 Effective Date. This act shall take effect October 1, 1985, as provided in section 3 of this act.

This amendment changes the amending language in section one of the bill so that the bill amends RSA 188-F:23, I as inserted by HB 701 (chapter 152) rather than RSA 105-A:2, I. HB 701 relocated RSA 105-A to RSA 188-F. This amendment also incorporates the changes updating the language as done in HB 701. A contingent provision integrates the changes made in HB 511, to take effect only if HB 511 becomes law.

Adopted.

HB 457-FN, relative to foundation aid to certain school districts.

Amendment

Amend section 3 of the bill by striking out lines 1, 2, and 3 and inserting in place thereof the following:

3 Contingency. In the event that section 12 of HB 442-FN of the 1985 legislative session, relative to adjustment of state aid to school districts, becomes law, the provisions of sections 1 and 2 of this act shall not become effective.

Amend section 4 of the bill by striking out line 1 and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1985, subject to the provisions of section 3 of this act.

This amendment changes the language of the contingency provision to reflect the fact that the provision relative to adjustment of aid which was formerly part of the vetoed HB 4, was later passed as part of HB 422-FN of the 1985 legislative session.

Adopted.

HB 511, requiring special agents to complete a preparatory police training program.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Definition. Amend RSA 188-F:23, I (supp) as inserted by 1985, 152:1 by striking out said paragraph and inserting in place thereof the following:

I. "Police officer" means any appointed or elected employee of a police department or any appointed employee of a sheriff's department or the fish and game department or any special agent appointed by the state liquor commission which is administered by the state or any of its political subdivisions and who is responsible for the prevention, detection or prosecution of crime or the enforcement of the penal, traffic, highway or liquor laws of this state or any of its political subdivisions.

This amendment integrates the recodification and stylistic changes made by HB 701 (chapter 152) with the substantive change made by this bill.

Adopted.

HB 766, relative to juvenile detention procedures.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 New Paragraph; Duties. Amend RSA 170-G:4 by inserting after paragraph XIV the following new paragraph:

XV. Certify already licensed facilities for the purpose of receiving minors who must be detained pursuant to RSA 169-B:14, or committed pursuant to RSA 169-B:19.

7 Contingent Provision.

I. Section 6 of this act shall take effect January 1, 1986, only if HB 557 of the 1985 regular session becomes law. If HB 557 becomes law, section 4 of this act shall not take effect.

II. If HB 557 does not become law, section 4 of this act shall take effect January 1, 1986, and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 4 and 6 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect January 1, 1986.

This amendment creates a contingency for renumbering a paragraph inserted by the bill to avoid duplicating the numbering of a paragraph inserted in the same RSA section by HB 557.

Adopted.

ENROLLED BILLS REPORT

HB 138, relative to sunset review of game resources.

HB 259, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor.

HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor.

HB 355, to acquire abandoned railroad lines and making an appropriation therefor.

HB 361, relative to loitering.

HB 393, relative to the water supply and pollution control commission and making an appropriation therefor.

HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court.

HB 427, increasing the per diem for members of the public employee labor relations board.

HB 454, relative to courtroom security and arrests.

HB 483, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year.

HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers.

HB 526, prohibiting drugs in pulling contests.

HB 560, establishing a study committee relative to power boats.

HB 657, relative to wetlands protection and enforcement.

HB 755, relative to amendments in the New Hampshire energy code.

HB 774, relative to fighting forest and brush fires on federal land.

SB 91, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution treatment facilities, authorizing the water supply and pollution control commission to purchase liability insurance, and authorizing the water supply and pollution control commission to conduct sewage plant effluent research and investigate a revolving loan fund.

SB 114, relative to wiretapping and eavesdropping.

SB 126, relative to the expenditure and investing of the moneys in the waterfowl conservation account.

SB 136, relative to reinstating certain corporate charters.

SB 197, making appropriations to the fire stakes program.

SB 139, relative to industrial development bond financing of eligible water facilities and commercial fishing vessels.

HB 26, establishing a department of libraries, arts and historical resources.

HB 80, relative to health insurance reimbursement agreements.

HB 95, limiting the grounds for eviction of tenants from certain rental units.

HB 114, relative to sunset review of occasional rehabilitation education programs.

HB 137, relative to sunset review of New Hampshire network.

HB 147, relative to sunset review of economic development.

HB 515, relative to the ballot law commission.

HB 528, establishing a study committee to investigate the consideration of noise impact in energy facility siting decisions.

HB 547, extending the time within which pari-mutuel pools may be sold.

HB 602, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs.

HB 637, regarding changes in the timber tax laws.

HB 668, relative to the establishment of capital reserve funds for the acquisition of land.

HB 764, relative to the practice of optometry.

HB 778, authorizing cities and towns to borrow for certain planning costs.

SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.

SB 195, creating a children's trust fund study committee.

SB 189, providing cost of living increases to teachers who retired prior to 1957 and making an appropriation therefor.

SB 210, permitting the use of a separate ballot for proposed zoning amendments.

Rep. Chris Jacobson

Sen. Mark Hounsell

For the Committee.

ENROLLED BILLS REPORT

HB 307, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985; and relative to the distribution of racing funds.

HB 315, making an appropriation for general maintenance of the Northfield-Tilton railroad bridge.

HB 349, relative to educationally related services.

HB 369, relative to maintaining the Old Man of the Mountain and making an appropriation therefor and relative to park vending machines.

HB 397, establishing a commission to study the recodification of state laws on municipalities.

HB 519, establishing an acid rain control act.

HB 536, relative to the property tax exemption for the blind.

HB 541, making references gender neutral in certain domestic relations statutes.

HB 544, relative to water improvement bonds issued by the city of Rochester and to electing 5 commissioners in village districts within the towns of Merrimack and Hooksett.

HB 545, authorizing the city of Rochester to issue revenue bonds and relative to revenue bonds.

HB 723, relative to non-profit health service corporations.

HB 735, relative to state initiatives
for child support enforcement.

HB 769, relative to solar energy.
Rep. Daniel A. Eaton
Sen. Mark Hounsell
For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 29

Tuesday, 11 Jun 85

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, forgive us, for it's so easy to think of the problems, deal with the hurts and dwell on the undone. Really, Heavenly Father, we live in a good land, we have a freedom we are proud of, a government that is stable and a process of law and order that brings us peace. Help us be thankful this day for what we have in our State. Help us to be thankful we are alive today. Amen.

Rep. Gross led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mace, Burdick, Blaisdell, Kohl, Mann, Bergeron, Ames, Herod and Daniell, the day, illness.

Reps. Gene Chandler, Stewart, Benton, Robert Jones, Schmidtchen, Gerald Smith, Scanlan, Sochalski, Bean, Bowes, Davis, Nagel, Wells, Ridge, Franklin Torr, Frew, Vanderlosk, Dickinson, Parks, Michael Jones, Duprey, McCain, Donovan, Kenneth MacDonald, Norman Rogers, Marilyn Campbell and Magoon, the day, important business.

Rep. Crory, the day, death in the family.
Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Karen Hutchings, Mrs. E. J. O'Leary, Jean and Jacob Shapira, wife, grandmother and guests of Rep. Hutchings; Doris and Dick Sibley, guests of Rep. West; 4th grade class from Swanzy Central School with their teacher, Mr. Schroeder, guests of Reps. Butler and McCain; Max Young, guest of Rep. Lussier; former Representative Cecil Dame, guest of Rep. Lawrence Chase; 3rd grade class from Griffin Memorial School with their teachers, Mrs. Grainger, Miss Campbell and Miss Khioca, guests of Reps. Ellen-Ann Robinson and Hendrick.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration of Committee of Conference Reports after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 5-FN, An Act relative to judicial retirement having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Longevity Retirement. Amend RSA 490:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II. As additional compensation for services rendered and to be rendered, any justice of the supreme court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid. A justice of the supreme court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

2 Retirement; Supreme Court Justices. Amend RSA 490:2 by inserting after paragraph II the following new paragraphs:

II-a. Any full-time justice of the supreme court appointed on or after July 1, 1985, who has served as a full-time justice for at least 15 years may elect to retire at any time within 36 months of eligibility for full retirement and to have his benefits begin immediately, but in such case he shall elect, within 120 days prior to the date of retirement, one of the benefit options under RSA 490:2-a, and his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

II-b.(a) For full-time justices of the supreme court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the supreme court who retires:

(1) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an amount equal to 50 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 60 years and after having served as a full-time justice for at least 15 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 75 percent of the currently effective annual salary of the office from which he is retired.

(b) These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

II-c. Rights of a full-time justice of the supreme court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 30 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 40 percent of the currently effective annual salary of the office from which he retired.

II-d. A full-time justice of the supreme court whose rights have vested under paragraph II-c and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

II-e. If a justice whose rights have vested under paragraph II-c dies having terminated his services, the compensation payable to the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall equal 1/2 of the vested retirement benefit to which the justice would have been entitled under paragraphs II-c and II-d; provided, however, that no such compensation shall be payable until the date when such justice would have attained the age of 65.

II-f. If a full-time justice appointed on or after July 1, 1985, dies in office, his surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the annual salary payable at the time of death for the office last held by such deceased justice, as additional compensation for the services of said justice. The surviving spouse or child shall also be entitled to receive all cost of living adjustments granted state employees, not to exceed a total of 3 percent per annum beginning on the first anniversary of the

justice's death. In case there is more than one child, the compensation shall be divided equally among them.

II-g. If a full-time justice appointed on or after July 1, 1985, dies having terminated his service as such and having become entitled to compensation as provided in this section, or after having become a judicial referee, or having been retired because of disability, the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall receive such benefits as the justice has elected under RSA 490:2-a.

3 Retirement Options. Amend RSA 490 by inserting after section 2 the following new section:

490:2-a Retirement Options.

1. Within 120 days prior to the date of retirement, a full-time justice appointed on or after July 1, 1985, shall elect one of the following options:

(a) Option 1. The full retirement allowance to which the justice is entitled under this chapter with no survivor's benefits for the surviving spouse or children.

(b) Option 2. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(c) Option 3. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death at 1/2 the rate paid to the justice and be paid for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(d) Option 4. A reduced retirement allowance payable during the retired justice's life, with some other benefit payable after the justice's death, provided that such other benefit shall be approved by the supreme court.

II. The benefits provided under the optional reduced retirement allowances shall be determined by the actuary utilized and approved by the New Hampshire retirement system. The governor is authorized to draw his warrant for the sums necessary to reimburse the New Hampshire retirement system for such services out of any money in the treasury not otherwise appropriated.

4 New Chapter Title. Amend the chapter title of RSA 491-A as inserted by 1981, 568:136, IV by striking out said title and inserting in place thereof the following:

CHAPTER 491-A
JUDICIAL COMPENSATION AND
RETIREMENT CONTRIBUTION

5 New Judicial Salary Schedule; Retirement Contribution Required. Amend RSA 491-A:1 as inserted by 1981, 568:136, IV as amended by striking out said section and inserting in place thereof the following:
491-A:1 Salaries and Retirement Contribution.

I. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$62,381
Associate justices, supreme court	\$60,953
Chief justice, superior court	\$60,477
Associate justices, superior court	\$59,048
District court justices prohibited from practice pursuant to RSA 502-A:21	\$59,048
Probate judges	\$17,325

II. Beginning June 7, 1985, the salaries listed in paragraph I shall be adjusted to reflect any general salary increases given to state unclassified officers and employees under RSA 94:1-a.

III. In addition to the base salaries established in paragraph I for justices of the supreme and superior court and justices of the district court prohibited from practice under RSA 502-A:21, there shall be paid to each such justice the sum of \$500 per year for every year of full-time service commencing upon the third anniversary of said service; provided that no annual additional service increment payment shall exceed a total of \$3,500. Additional service increments shall not be used to calculate retirement benefits, retirement contribution, and salary increases for judicial employees.

IV. Commencing July 1, 1985, each justice of the supreme and superior court and each justice of the district court prohibited from practice under RSA 502-A:21 shall contribute for retirement 6.1 percent of his salary to the general fund each fiscal year.

V. On June 6, 1986, the salaries listed in 491-A:1 for full-time supreme, superior, and district court justices shall increase by \$1500 for each position, and such increase shall be included prior to the addition of any salary increases received by judicial employees.

6 Longevity Retirement. Amend RSA 491:2, II as amended by striking out said paragraph and inserting in place thereof the following:

II. As additional compensation for services rendered and to be rendered, any justice of the superior court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid. A justice of the superior court within 36 months of eligibility for full

retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

7 Retirement; Superior Court Justices. Amend RSA 491:2 by inserting after paragraph II the following new paragraphs:

II-a. Any full-time justice of the superior court appointed on or after July 1, 1985, who has served as a full-time justice for at least 15 years may elect to retire at any time within 36 months of eligibility for full retirement and to have his benefits begin immediately, but in such case he shall elect, within 120 days prior to the date of retirement, one of the benefit options under RSA 490:2-a, and his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

II-b.(a) For full-time justices of the superior court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the superior court who retires:

(1) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an amount equal to 50 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 60 years and after having served as a full-time justice for at least 15 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 75 percent of the currently effective annual salary of the office from which he is retired.

(b) These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

II-c. Rights of a full-time justice of the superior court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(a) Ten years shall vest 30 percent of the currently effective annual salary of the office from which he retired.

(b) Fifteen years shall vest 40 percent of the currently effective annual salary of the office from which he retired.

II-d. A full-time justice of the superior court whose rights have vested under paragraph II-c and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

II-e. If a justice whose rights have vested under paragraph II-c dies having

terminated his services, the compensation payable to the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall equal 1/2 of the vested retirement benefit to which the justice would have been entitled under paragraphs II-c and II-d; provided, however, that no such compensation shall be payable until the date when such justice would have attained the age of 65.

II-f. If a full-time justice appointed on or after July 1, 1985, dies in office, his surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the annual salary payable at the time of death, for the office last held by such deceased justice as additional compensation for the services of said justice. The surviving spouse or child shall also be entitled to receive all cost of living adjustments granted state employees, not to exceed a total of 3 percent per annum beginning on the first anniversary of the justice's death. In case there is more than one child, the compensation shall be divided equally among them.

II-g. If a full-time justice appointed on or after July 1, 1985, dies having terminated his service as such and having become entitled to compensation as provided in this section, or after having become a judicial referee, or having been retired because of disability, the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall receive such benefits as the justice has elected under RSA 491:2-a.

8 Retirement Options. Amend RSA 491 by inserting after section 2 the following new section:

491:2-a Retirement Options.

I. Within 120 days prior to the date of retirement, a full-time justice appointed on or after July 1, 1985, shall elect one of the following options:

(a) Option 1. The full retirement allowance to which the justice is entitled under this chapter with no survivor's benefits for the surviving spouse or children.

(b) Option 2. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(c) Option 3. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death at 1/2 the rate paid to the justice and be paid for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(d) Option 4. A reduced retirement allowance payable during the retired justice's life, with some other benefit payable after the justice's death, provided that such other benefit shall be approved by the supreme court.

II. The benefits provided under the optional reduced retirement allowances shall be determined by the actuary utilized and approved by the New Hampshire retirement system. The governor is authorized to draw his warrant for the sums necessary to reimburse the New Hampshire retirement system for such services out of any money in the treasury not otherwise appropriated.

9 Retirement; District Court Justices. Amend RSA 502-A:6-a, III (supp) as inserted by 1977, 454:1 as amended by striking out said paragraph and inserting in place thereof the following:

III.(a) For full-time justices of the district court as additional compensation for services rendered and to be rendered, a justice of the district court who retires upon attaining the age of 70 years and after having served as a full-time justice for at least 7 years, or after attaining the age of 65 years and after having served as a full-time justice for at least 10 years, or after attaining the age of 60 years and having served as a full-time justice for at least 20 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of the court are paid. Any justice who is a member of the state or local retirement system on January 1, 1984, shall forthwith cease to be a member of that system. The accumulated contributions made by such justices shall be paid out of the retirement trust fund to the justice. Notwithstanding the limitations set forth herein regarding minimum years of service at time of retirement, any person who, on January 2, 1982, was a justice of a district court shall be entitled to the retirement benefits set forth herein upon his retirement at age 70. A justice of the district court within 36 months of eligibility for full retirement and who has served as a full-time justice for at least 7 years may retire, but in such event his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

(b) Any full-time justice of the district court appointed on or after July 1, 1985, who has served as a full-time justice for at least 15 years may elect to retire at any time within 36 months of eligibility for full retirement and to have his benefits begin immediately, but in such case he shall

elect, within 120 days prior to the date of retirement, one of the benefit options under RSA 502-A:6-b, and his retirement compensation as well as survivor benefits shall be permanently reduced by 5/9 of one percent for each such earlier month.

(c) For full-time justices of the district court appointed on or after July 1, 1985, as additional compensation for services rendered and to be rendered, any justice of the district court who retires:

(1) Upon attaining the age of 65 years and after having served as a full-time justice for at least 10 years shall receive annually during the remainder of his life an amount equal to 50 percent of the currently effective annual salary of the office from which he is retired;

(2) Upon attaining the age of 60 years and after having served as a full-time justice for at least 15 years shall receive annually during the remainder of his life an amount equal to 66-2/3 percent of the currently effective annual salary of the office from which he is retired; or

(3) Upon attaining the age of 60 years and having served as a full-time justice for at least 20 years shall receive annually during the remainder of his life an amount equal to 75 percent of the currently effective annual salary of the office from which he is retired.

(d) These amounts shall be paid in the same manner as the salaries of the justices of said court are paid.

(e) Rights of a full-time justice of the district court to retirement compensation at or subsequent to attaining the age of 65 years shall vest in such justice upon his completion of the following designated years of service on the supreme court, superior court, or full-time district court, however combined, at the percentiles of the pay of the office as specified:

(1) Ten years shall vest 30 percent of the currently effective annual salary of the office from which he retired.

(2) Fifteen years shall vest 40 percent of the currently effective annual salary of the office from which he retired.

(f) A justice of the district court whose rights have vested under subparagraph (e) and who thereafter resigns from the judiciary shall receive compensation at the vested percentile upon attaining age 65.

(g) If a full-time justice whose rights have vested under subparagraph (e) dies having terminated his services, the compensation payable to the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall equal 1/2 of the vested retirement benefit to which the justice would have been entitled under subparagraphs (e) and (f); provided, however, that no such compensation shall be payable until the date when such justice would have attained the age of 65.

(h) If a justice appointed on or after July 1, 1985, dies in office, the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall annually be entitled to 1/2 of the annual salary payable at the time of death, for the office last held by such deceased justice as additional compensation for the services of said justice. The surviving spouse or child shall also be entitled to receive all cost of living adjustments granted state employees, not to exceed a total of 3 percent per annum beginning on the first anniversary of the justice's death. In case there is more than one child, the compensation shall be divided equally among them.

(i) If a justice appointed on or after July 1, 1985, dies having terminated his service as such and having become entitled to compensation as provided in this section, or having been retired because of permanent disability, the surviving spouse, as long as the surviving spouse remains unmarried, or, if the justice leaves no surviving spouse, or at the death or remarriage of the surviving spouse, then the justice's child or children under the age of 18 years and until they respectively reach their eighteenth birthday, shall receive such benefits as the justice has elected under RSA 502-A:6-b.

10 Retirement Options. Amend RSA 502-A by inserting after section 6-a the following new section:

502-A:6-b Retirement Options.

I. Within 120 days prior to the date of retirement, a full-time justice appointed on or after July 1, 1985, shall elect one of the following options:

(a) Option 1. The full retirement allowance to which the justice is entitled under this chapter with no survivor's benefits for the surviving spouse or children.

(b) Option 2. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(c) Option 3. A reduced retirement allowance payable during the retired justice's life, with the provision that it shall continue after the justice's death at 1/2 the rate paid to the justice and be paid for the life of, and to, the beneficiary nominated by the justice by written designation duly acknowledged and filed with the supreme court at the time of retirement.

(d) Option 4. A reduced retirement allowance payable during the retired justice's life, with some other benefit payable after the justice's death, provided that such other benefit shall be approved by the supreme court.

II. The benefits provided under the optional reduced retirement allowances shall be determined by the actuary utilized and approved by the New Hampshire retirement system. The governor is authorized to draw his warrant for the sums necessary to reimburse the New Hampshire retirement system for such services out of any money in the treasury not otherwise appropriated.

11 Classified Salaries; June 7, 1985.
Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing June 7, 1985, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	9,691.50	9,906.00	10,101.00	10,315.50	10,549.50
2	9,906.00	10,101.00	10,315.50	10,549.50	10,764.00
3	10,101.00	10,315.50	10,549.50	10,764.00	10,959.00
4	10,257.00	10,530.00	10,803.00	11,134.50	11,505.00
5	10,549.50	10,881.00	11,290.50	11,719.50	12,090.00
6	10,881.00	11,271.00	11,680.50	12,090.00	12,538.50
7	11,329.50	11,797.50	12,265.50	12,714.00	13,182.00
8	11,719.50	12,207.00	12,655.50	13,123.50	13,591.50
9	12,109.50	12,597.00	13,065.00	13,494.00	13,981.50
10	12,538.50	12,967.50	13,435.50	13,942.50	14,547.00
11	12,909.00	13,474.50	14,079.00	14,664.00	15,229.50
12	13,455.00	14,098.50	14,781.00	15,444.00	16,068.00
13	13,825.50	14,566.50	15,288.00	16,029.00	16,789.50
14	14,566.50	15,327.00	16,107.00	16,887.00	17,647.50
15	15,249.00	16,048.50	16,867.50	17,667.00	18,447.00
16	15,736.50	16,555.50	17,374.50	18,193.50	19,012.50
17	16,224.00	17,043.00	17,881.50	18,778.50	19,617.00
18	16,867.50	17,764.50	18,681.00	19,597.50	20,514.00
19	17,530.50	18,486.00	19,461.00	20,416.50	21,372.00
20	18,232.50	19,188.00	20,163.00	21,118.50	22,093.50
21	18,915.00	19,890.00	20,865.00	21,820.50	22,815.00
22	19,792.50	20,943.00	22,054.50	23,185.50	24,277.50
23	20,709.00	21,840.00	23,029.50	24,180.00	25,330.50
24	21,586.50	22,815.00	24,004.50	25,233.00	26,383.50
25	23,029.50	24,336.00	25,623.00	26,968.50	28,275.00
27	24,453.00	25,798.50	27,163.50	28,567.50	29,913.00
28	25,213.50	26,637.00	28,099.50	29,503.50	30,966.00
29	25,974.00	27,456.00	28,957.50	30,459.00	31,980.00
30	26,715.00	28,294.50	29,874.00	31,453.50	33,013.50
31	28,567.50	30,166.50	31,824.00	33,442.50	35,080.50
32	30,381.00	32,077.50	33,735.00	35,470.50	37,186.50
33	32,584.50	34,437.00	36,328.50	38,181.00	40,072.50
34	34,768.50	36,874.50	38,902.50	40,930.50	42,997.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing June 7, 1985, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
13	16,126.50	17,004.00	17,842.50	18,700.50	19,597.50
14	17,004.00	17,881.50	18,798.00	19,695.00	20,592.00
15	17,784.00	18,720.00	19,675.50	20,611.50	21,528.00
16	18,369.00	19,324.50	20,280.00	21,235.50	22,191.00
17	18,934.50	19,890.00	20,865.00	21,918.00	22,893.00
18	19,675.50	20,728.50	21,801.00	22,873.50	23,926.50
19	20,455.50	21,567.00	22,698.00	23,829.00	24,940.50
20	21,274.50	22,386.00	23,517.00	24,648.00	25,779.00
21	22,074.00	23,205.00	24,336.00	25,467.00	26,617.50
22	23,088.00	24,433.50	25,740.00	27,046.50	28,333.50
23	24,160.50	25,486.50	26,871.00	28,216.50	29,562.00
24	25,194.00	26,617.50	28,002.00	29,445.00	30,790.50
25	26,871.00	28,392.00	29,893.50	31,473.00	32,994.00
26	27,709.50	29,211.00	30,790.50	32,389.50	33,949.50
27	28,528.50	30,108.00	31,687.50	33,325.50	34,905.00
28	29,425.50	31,083.00	32,779.50	34,417.50	36,133.50
29	30,303.00	32,038.50	33,793.50	35,529.00	37,303.50

12 Classified Salaries; June 6, 1986. Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,393.50	10,608.00	10,822.50	11,076.00
2	10,393.50	10,608.00	10,822.50	11,076.00	11,310.00
3	10,608.00	10,822.50	11,076.00	11,310.00	11,505.00
4	10,764.00	11,056.50	11,349.00	11,700.00	12,090.00
5	11,076.00	11,427.00	11,856.00	12,304.50	12,694.50
6	11,427.00	11,836.50	12,265.50	12,694.50	13,162.50
7	11,895.00	12,382.50	12,870.00	13,357.50	13,845.00
8	12,304.50	12,811.50	13,279.50	13,786.50	14,274.00
9	12,714.00	13,221.00	13,728.00	14,176.50	14,683.50
10	13,162.50	13,611.00	14,098.50	14,644.50	15,268.50
11	13,552.50	14,157.00	14,781.00	15,405.00	15,990.00
12	14,137.50	14,800.50	15,522.00	16,224.00	16,867.50
13	14,508.00	15,288.00	16,048.50	16,828.50	17,628.00
14	15,288.00	16,087.50	16,906.50	17,725.50	18,525.00
15	16,009.50	16,848.00	17,706.00	18,544.50	19,363.50
16	16,516.50	17,374.50	18,252.00	19,110.00	19,968.00
17	17,043.00	17,901.00	18,778.50	19,714.50	20,592.00
18	17,706.00	18,661.50	19,617.00	20,572.50	21,547.50
19	18,408.00	19,402.50	20,436.00	21,430.50	22,444.50
20	19,149.00	20,143.50	21,177.00	22,171.50	23,205.00
21	19,870.50	20,884.50	21,918.00	22,912.50	23,965.50
22	20,787.00	21,996.00	23,166.00	24,336.00	25,486.50
23	21,742.50	22,932.00	24,180.00	25,389.00	26,598.00
24	22,659.00	23,965.50	25,213.50	26,500.50	27,709.50
25	24,180.00	25,545.00	26,910.00	28,314.00	29,698.50
26	24,940.50	26,286.00	27,709.50	29,152.50	30,556.50
27	25,681.50	27,085.50	28,528.50	29,991.00	31,414.50
28	26,481.00	27,963.00	29,503.50	30,985.50	32,506.50
29	27,280.50	28,821.00	30,400.50	31,980.00	33,579.00
30	28,060.50	29,718.00	31,375.50	33,033.00	34,671.00
31	29,991.00	31,668.00	33,423.00	35,119.50	36,835.50
32	31,902.00	33,676.50	35,431.50	37,245.00	39,039.00
33	34,222.50	36,153.00	38,142.00	40,092.00	42,081.00
34	36,504.00	38,727.00	40,852.50	42,978.00	45,142.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing June 6, 1986, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Step 4
13	16,926.00	17,842.50	18,720.00	19,636.50	20,572.50
14	17,842.50	18,778.50	19,734.00	20,689.50	21,606.00
15	18,681.00	19,656.00	20,650.50	21,645.00	22,600.50
16	19,266.00	20,280.00	21,294.00	22,288.50	23,302.50
17	19,890.00	20,884.50	21,918.00	23,010.00	24,024.00
18	20,650.50	21,781.50	22,893.00	24,004.50	25,135.50
19	21,469.50	22,639.50	23,848.50	24,999.00	26,188.50
20	22,347.00	23,497.50	24,706.50	25,876.50	27,066.00
21	23,185.50	24,375.00	25,564.50	26,734.50	27,963.00
23	25,369.50	26,754.00	28,216.50	29,620.50	31,024.50
24	26,442.00	27,963.00	29,425.50	30,927.00	32,331.00
25	28,216.50	29,796.00	31,395.00	33,033.00	34,651.50
26	29,094.00	30,673.50	32,331.00	34,008.00	35,646.00
27	29,971.50	31,609.50	33,286.50	34,983.00	36,660.00
28	30,888.00	32,623.50	34,417.50	36,153.00	37,927.50
29	31,824.00	33,618.00	35,470.50	37,303.50	39,175.50

13 Classified Salaries; March 13, 1987. Amend RSA 99:1-a (supp) as inserted by 1969, 500:12 as amended by striking out said section and inserting in place thereof the following:

99:1-a Salaries Established.

I. The salary ranges for all classified state employees excepting those in academic positions, commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	10,179.00	10,491.00	10,803.00	11,134.50	11,466.00
2	10,491.00	10,803.00	11,134.50	11,466.00	11,817.00
3	10,803.00	11,134.50	11,466.00	11,817.00	12,168.00
4	11,134.50	11,466.00	11,817.00	12,168.00	12,538.50
5	11,466.00	11,817.00	12,168.00	12,538.50	12,909.00
6	11,817.00	12,168.00	12,538.50	12,909.00	13,299.00
7	12,168.00	12,655.50	13,162.50	13,689.00	14,235.00
8	12,655.50	13,162.50	13,689.00	14,235.00	14,800.50
9	13,162.50	13,689.00	14,235.00	14,800.50	15,385.50
10	13,689.00	14,235.00	14,800.50	15,385.50	16,009.50
11	14,235.00	14,800.50	15,385.50	16,009.50	16,653.00
12	14,800.50	15,385.50	16,009.50	16,653.00	17,316.00
13	15,385.50	16,009.50	16,653.00	17,316.00	18,018.00
15	16,653.00	17,355.00	18,096.00	18,856.50	19,656.00
16	17,355.00	18,096.00	18,856.50	19,656.00	20,494.50
17	18,096.00	18,856.50	19,656.00	20,494.50	21,372.00
18	18,856.50	19,656.00	20,494.50	21,372.00	22,288.50
19	19,656.00	20,494.50	21,372.00	22,288.50	23,244.00
20	20,494.50	21,372.00	22,288.50	23,244.00	24,238.50
21	21,372.00	22,288.50	23,244.00	24,238.50	25,272.00
22	22,288.50	23,244.00	24,238.50	25,272.00	26,344.50
23	23,244.00	24,297.00	25,389.00	26,539.50	27,729.00
24	24,297.00	25,389.00	26,539.50	27,729.00	28,977.00
25	25,389.00	26,539.50	27,729.00	28,977.00	30,283.50
26	26,539.50	27,729.00	28,977.00	30,283.50	31,648.50
27	27,729.00	28,977.00	30,283.50	31,648.50	33,072.00
28	28,977.00	30,283.50	31,648.50	33,072.00	34,554.00
29	30,283.50	31,648.50	33,072.00	34,554.00	36,114.00
30	31,648.50	33,072.00	34,554.00	36,114.00	37,732.50
31	33,072.00	34,651.50	36,289.50	38,005.50	39,819.00
32	34,651.50	36,289.50	38,005.50	39,819.00	41,710.50
33	36,289.50	38,005.50	39,819.00	41,710.50	43,699.50
34	38,005.50	39,819.00	41,710.50	43,699.50	45,766.50

II. The salary ranges for all classified state employees in academic positions determined to be such by the personnel commission, commencing March 13, 1987, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Step 4
13	17,959.50	18,681.00	19,441.50	20,202.00	21,021.00
14	18,681.00	19,441.50	20,202.00	21,021.00	21,859.50
15	19,441.50	20,260.50	21,118.50	21,996.00	22,932.00
17	21,118.50	21,996.00	22,932.00	23,926.50	24,940.50
18	21,996.00	22,932.00	23,926.50	24,940.50	26,013.00
19	22,932.00	23,926.50	24,940.50	26,013.00	27,124.50
20	23,926.50	24,940.50	26,013.00	27,124.50	28,294.50
21	24,940.50	26,013.00	27,124.50	28,294.50	29,484.00
22	26,013.00	27,124.50	28,294.50	29,484.00	30,751.50
23	27,124.50	28,353.00	29,620.50	30,966.00	32,350.50
24	28,353.00	29,620.50	30,966.00	32,350.50	33,813.00
25	29,620.50	30,966.00	32,350.50	33,813.00	35,334.00
26	30,966.00	32,350.50	33,813.00	35,334.00	36,933.00
27	32,350.50	33,813.00	35,334.00	36,933.00	38,590.50
28	33,813.00	35,334.00	36,933.00	38,590.50	40,326.00
29	35,334.00	36,933.00	38,590.50	40,326.00	42,139.50

14 Unclassified Salaries; June 7, 1985. Amend RSA 94:1-a, I and II (supp) as inserted by 1975, 505:28 as amended by striking out said paragraphs and inserting in place thereof the following:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 7, 1985:

Group I \$17,973-\$26,948

Executive director, real estate commission
Director, veterans' council

Group J \$20,963-\$29,938

Deputy director - state council on aging
Assistant secretary of state
Executive assistant, adult parole board
State archivist
Assistant to the commissioner of the department of resources and economic development

Group K \$23,944-\$32,939

Assistant state treasurer
Director, risk management
Director, state council on aging
Director, division of graphic services
Business supervisor analysts
Assistant to the director of motor vehicles
Coordinator of federal funds
Director, transportation division
Executive director, commission on the arts
Assistant librarian
State fire marshal

Group K (continued)

Director of administration, department of corrections
Director, police standards and training council.
Senior industrial agents
Deputy labor commissioner
Administrative assistant to chief justice of superior court
Executive director, postsecondary education commission
Executive director, governor's commission for the handicapped

Group L \$26,947-\$35,927

Assistant insurance commissioner
Coordinator of highway safety
State veterinarian
Board of tax and land appeals, members
Coordinator of judicial and public education and information
Deputy director, crime commission
Director, municipal services, water supply and pollution control commission
Field audit team leader (6)
Director of safety services
Director, port authority
Executive secretary district and municipal courts administrative services
Unit director (non-medical), New Hampshire hospital

Group M \$29,942-\$38,917

Superintendent, Glencliff home
Commandant, veterans' home
Assistant attorneys-general
Manager, planning and support, centralized data processing
Manager, operations, centralized data processing
Manager, systems development, centralized data processing
Staff associate for technical resources control, centralized data processing
Director, office of alcohol and drug abuse prevention
Director of aeronautics
Executive secretary, N.H. retirement system
Counsel, department of employment security

Counsel, public utilities commission
 Chief aquatic biologist, water supply and pollution control commission
 Director, air resources agency
 Audit team leader
 Benefits administrator

Group N \$32,942-\$41,917

Executive director, New Hampshire crime commission
 Director, purchase and property
 Director of information management and planning

Group N (continued)

Director, division of accounts
 Assistant superintendent for administration and support, Laconia state school
 Assistant superintendent, New Hampshire hospital
 Assistant safety commissioner
 Warden, state prison
 Commissioner of agriculture
 Labor commissioner
 State librarian
 Deputy secretary of state
 State negotiator
 Deputy treasurers
 Deputy insurance commissioner
 Director, division for children and youth services
 Director, motor vehicles
 Director, state police
 Director, fish and game
 Director, economic development
 Director, forests and lands
 Director, parks and recreation
 Director, adult services
 Director, field services
 Director, operational analysis
 Assistant director, audit division
 Assistant chief engineer-administrators, water supply and pollution control commission
 Chairman, water resources board
 General counsel, department of employment security
 Deputy director, centralized data processing
 Deputy bank commissioner

Group O \$34,437-\$44,167

Adjutant general
 Commissioner of postsecondary vocational-technical education
 Deputy comptroller
 Director, insurance examination
 Director, audit division, revenue administration
 Director, returns processing, revenue administration
 Deputy attorney-general
 Deputy safety commissioner
 Deputy commissioner, public works and highways
 Assistant commissioner, public works and highways
 Associate commissioner, public works and highways
 Deputy commissioner of education
 State treasurer
 Secretary of state
 Bank commissioner

Group O (continued)

Liquor commissioners
 Director of welfare
 Executive director, sweepstakes commission
 Director, centralized data processing
 Deputy commissioner of health and welfare
 Deputy executive director, water supply and pollution control commission
 Deputy director of personnel

Group P \$38,918-\$50,143

Commissioner, corrections
 Commissioner, department of employment security

Executive director, water supply and pollution control commission
 Liquor commission, chairman
 Director, personnel

Group Q \$40,425-\$51,650

Superintendent, Laconia state school
 Superintendent, New Hampshire hospital
 Senior physician/psychiatrist/dentist
 Director of administrative services, supreme court
 Clerk and court reporter, supreme court

Group R \$41,920-\$53,145

Unit director (medical), New Hampshire hospital

Group S \$43,415-\$54,640

Director, mental health and developmental services
 Director, public health services
 Assistant superintendent for professional services, Laconia state school
 Assistant superintendent for professional services, New Hampshire hospital
 Comptroller

Group T \$56,133

Public utilities commissioners
 Attorney general
 Insurance commissioner
 Commissioner, public works and highways
 Commissioner, health and welfare
 Commissioner, education
 Commissioner, revenue administration
 Commissioner, resources and economic development
 Safety commissioner
 Commissioner, department of administrative services

Group U \$57,641

Chief medical examiner

Group V \$59,877

Group W \$62,880

Governor

II. The salary wages for the positions set forth below shall be as follows commencing June 7, 1985:

	Minimum	Maximum
Governor's councilors		7,483
Pari-mutuel commissioners		5,674
Sweepstakes commission, chairman		8,514
Sweepstakes commission, members		4,541
Director, charitable trusts	10,393	13,843

15 Unclassified Salaries; June 6, 1986. Amend RSA 94:1-a, I and II (supp) as inserted by 1975, 505:28 as amended by striking out said paragraphs and inserting in place thereof the following:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on June 6, 1986:

Group I \$18,875-\$28,295

Executive director, real estate commission
 Director, veterans' council

Group J \$22,010-\$31,435

Deputy director - state council on aging
 Assistant secretary of state
 Executive assistant, adult parole board

State archivist
 Assistant to the commissioner of the department of resources and
 economic development

Group K \$25,141-\$34,586

Assistant state treasurer
 Director, risk management
 Director, state council on aging
 Director, division of graphic services
 Business supervisor analysts
 Assistant to the director of motor vehicles
 Coordinator of federal funds
 Director, transportation division
 Executive director, commission on the arts
 Assistant librarian
 State fire marshal
 Director of administration, department of corrections
 Director, police standards and training council.
 Senior industrial agents
 Deputy labor commissioner
 Administrative assistant to chief justice of superior court
 Executive director, postsecondary education commission
 Executive director, governor's commission for the handicapped

Group L \$28,298-\$37,723

Assistant insurance commissioner
 Coordinator of highway safety
 State veterinarian
 Board of tax and land appeals, members
 Coordinator of judicial and public education and information
 Deputy director, crime commission
 Director, municipal services, water supply and pollution control
 commission
 Field audit team leader (6)
 Director of safety services
 Director, port authority
 Executive secretary district and municipal courts administrative services
 Unit director (non-medical), New Hampshire hospital

Group M \$31,438-\$40,863

Superintendent, Glencliff home
 Commandant, veterans' home
 Assistant attorneys-general
 Manager, planning and support, centralized data processing
 Manager, operations, centralized data processing
 Manager, systems development, centralized data processing
 Staff associate for technical resources control, centralized data
 processing
 Director, office of alcohol and drug abuse prevention
 Director of aeronautics
 Executive secretary, N.H. retirement system

Group M (continued)

Counsel, department of employment security
 Counsel, public utilities commission
 Chief aquatic biologist, water supply and pollution control commission
 Director, air resources agency
 Audit team leader
 Benefits administrator

Group N \$34,588-\$44,013

Executive director, New Hampshire crime commission
 Director, purchase and property
 Director of information management and planning
 Director, division of accounts
 Assistant superintendent for administration and support, Laconia state
 school
 Assistant superintendent, New Hampshire hospital
 Assistant safety commissioner
 Warden, state prison

Commissioner of agriculture
 Labor commissioner
 State librarian
 Deputy secretary of state
 State negotiator
 Deputy treasurers
 Deputy insurance commissioner
 Director, division for children and youth services
 Director, motor vehicles
 Director, state police
 Director, fish and game
 Director, economic development
 Director, forests and lands
 Director, parks and recreation
 Director, adult services
 Director, field services
 Director, operational analysis
 Assistant director, audit division
 Assistant chief engineer-administrators, water supply and pollution
 control commission
 Chairman, water resources board
 General counsel, department of employment security
 Deputy director, centralized data processing
 Deputy bank commissioner

Group O \$36,160-\$46,375

Adjutant general
 Commissioner of postsecondary vocational-technical education

Group O (continued)

Deputy comptroller
 Director, insurance examination
 Director, audit division, revenue administration
 Director, returns processing, revenue administration
 Deputy attorney-general
 Deputy safety commissioner
 Deputy commissioner, public works and highways
 Assistant commissioner, public works and highways
 Associate commissioner, public works and highways
 Deputy commissioner of education
 State treasurer
 Secretary of state
 Bank commissioner
 Liquor commissioners
 Director of welfare
 Executive director, sweepstakes commission
 Director, centralized data processing
 Deputy commissioner of health and welfare
 Deputy executive director, water supply and pollution control commission
 Deputy director of personnel

Group P \$40,865-\$52,650

Commissioner, corrections
 Commissioner, department of employment security
 Executive director, water supply and pollution control commission
 Liquor commission, chairman
 Director, personnel

Group Q \$42,446-\$54,236

Superintendent, Laconia state school
 Superintendent, New Hampshire hospital
 Senior physician/psychiatrist/dentist
 Director of administrative services, supreme court
 Clerk and court reporter, supreme court

Group R \$44,016-\$55,806

Unit director (medical), New Hampshire hospital

Group S \$45,586-\$57,376

Director, mental health and developmental services
 Director, public health services
 Assistant superintendent for professional services, Laconia state school
 Assistant superintendent for professional services, New Hampshire
 hospital
 Comptroller

Group T \$58,940

Public utilities commissioners
 Attorney general
 Insurance commissioner
 Commissioner, public works and highways
 Commissioner, health and welfare
 Commissioner, education
 Commissioner, revenue administration
 Commissioner, resources and economic development
 Safety commissioner
 Commissioner, department of administrative services

Group U \$60,523

Chief medical examiner

Group V \$62,871

Group W \$66,024

Governor

II. The salary wages for the positions set forth below shall be as follows commencing June 6, 1986:

	Minimum	Maximum
Governor's councilors		7,857
Pari-mutuel commissioners		5,958
Sweepstakes commission, chairman		8,940
Sweepstakes commission, members		4,768
Director, charitable trusts	10,913	14,538

16 Appropriation for Salary Increase.

I. The sums of \$22,853,879 in general funds, \$7,108,534 in highway funds, \$409,530 in fish and game funds, \$5,648,376 in federal funds, and \$1,528,703 in self-sustaining funds are hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1986, and June 30, 1987, for salary increases for classified, unclassified, judicial and legislative employees. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

II. The appropriation made by this section shall be distributed among all classified, unclassified, judicial and legislative employees in the same manner, and shall include all additional cost items.

17 Application. The provisions of RSA 490:2, II, III, and IV; RSA 491:2, II, III, and IV; and RSA 502-A:6-a, III(a), IV, and V shall apply only to justices appointed prior to July 1, 1985.

18 Classified Increases. Amend RSA 99:3 (supp) as amended by striking out said section and inserting in place thereof the following:

99:3 Increase in Salary. Classified employees of the state as of June 7, 1985, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

19 Classified Increases. Amend RSA 99:3 (supp) as amended by striking out said section and inserting in place thereof the following:

99:3 Increase in Salary. Classified employees of the state as of June 6, 1986, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

20 Classified Increases. Amend RSA 99:3 (supp) as amended by striking out said section and inserting in place thereof the following:

99:3 Increase in Salary. Classified employees of the state as of March 13, 1987, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

21 Effective Date.

I. Sections 5, 11, 14, and 18 of this act shall take effect June 7, 1985.

II. Sections 12, 15, and 19 of this act shall take effect June 6, 1986.

III. Sections 13 and 20 of this act shall take effect March 13, 1987.

IV. Section 16 of this act shall take effect July 1, 1985.

V. The remainder of this act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sen. White, Dist. 11, Sen. Bartlett, Dist. 19 and Sen. Blaisdell, Dist. 10

Conferees on the Part of the House:

Rep. Ramsay, Ches. 10, Rep. Gross, Merr. 16, Rep. Sytek, Rock. 20 and Rep. King, Graf. 12

Rep. Ramsay explained the report and yielded to questions.

Reps. Gross and Rounds spoke in favor of the report and yielded to questions.

Rep. Sytek spoke in favor of the report.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Ottolini and Champagne abstained from voting under Rule 16.

(Speaker presiding)

YEAS 236 NAYS 79

YEAS 236

BELKNAP: Birch, Bolduc, Bowler, Brown, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Holbrook, Jensen, Pearson, Randall and Zeckhausen.

CARROLL: Russell Chase, Robert Holmes, McIntire, Powers and Schofield.

CHESHIRE: Burley, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan and Thompson.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Frederic Foss, Horton, Marsh, Mayhew, Theriault and York.

GRAFTON: Arnesen, Blair, Chambers, Christy, Copenhaver, Densmore, Hutchings, Wayne King, LaMott, Rounds, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Bass, Bernier, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bourque, Bridgewater, Burkush, John Burns, Leslie

Burns, Carragher, Chagnon, Chretien, Clancy, Cote, Crotty, Joseph Eaton, Fields, Nancy Ford, Fried, Scott Green, Grip, Marian Harrington, Holden, Chris Jacobson, George Jones, Keefe, Kelley, Knight, Lown, Martin, McGlynn, Messier, Elizabeth Moore, Murphy, Nelson, Newcombe, Nute, O'Rourke, Bonnie Packard, Pappas, Perham, Pressly, Raiche, Reardon, Reidy, Sallada, Leonard Smith, Steiner, Stonner, Sylvia, Tamposi, Turgeon, Van Loan, Varkas, Geraldine Watson, Harold Watson, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Anderson, Barberia, Bardsley, Laurent Boucher, Cate, James Chandler, Connolly, Fraser, Glibreth, Gross, Hayes, Mary Holmes, C. William Johnson, Kidder, Millard, Nichols, Pannell, Pantzer, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Patti Blanchette, William Boucher, Butler, Case, Champoux, Connors, Conroy, Day, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Goss, Elizabeth Greene, Haynes, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Malcolm, Robert Mason, McKinney, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sanderson, Scamman, Sherburne, Simon, Skinner, Sloan, Splaine, Stachowske, Sytek, Titone, Tufts, Vartanian, Vaughn, Walker and Woodward.

STRAFFORD: Appleby, Bates, Bryant, Burton, Callahan, Chamberlin, Diamant, Donnelly, Keans, Kincaid, Laurion, Lussier, Meader, Musler, O'Brien, Bruce Packard, Pelley, Francis Robinson and Ann Torr.

SULLIVAN: Call, Disnard, Domini, Paul Johnson, Lindblade, McKee, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 79

BELKNAP: Brough and Matthew Locke.

CARROLL: Ashnault.

CHESHIRE: Delano.

COOS: Brungot, Chappell, Guay and Lamontagne.

GRAFTON: Bennett, Driscoll, Easton and McAvoy.

HILLSBOROUGH: Barry, Beaupre, Charron, Cox, Cronin, William Dion, Ducharme, Duperron, Dwyer, Dykstra, Gagnon, Hogan, Humphrey, Hyman, Jasper, Labombarde, Levesque, Lozeau, Howard Mason, McCue, Morrisette, Paquette, Paradis, Prestipino, Frances Riley, Philip Rodgers, Shriver, B. P. Smith, Mary Sullivan, Wagner, Emma Wheeler, Kenneth Wheeler and Frank Whittemore.

MERRIMACK: Cailler, George Gordon, Jelley, Arthur Locke, Phelps, Doris Riley and Roberts.

ROCKINGHAM: Bangs, Lawrence Chase, Clay, Ellyson, Emanuelson, Felch, Flanders, Gourdeau, Raynowska, Schwaner, Seward, Warburton and Welch.

STRAFFORD: Berkey, Bernard, Anita Flynn, Edward Flynn, Frechette, Spear, Henry Sullivan, Swope, Ralph Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Ingram and Mehegan, and the report was adopted.

Reps. James J. White and Ellen-Ann Robinson notified the Clerk that they wished to be recorded in favor of the Committee of Conference Report on SB 5.

COMMITTEE OF CONFERENCE REPORT

HB 498, relative to the dam maintenance fund and making an appropriation therefor. (Report printed SJ 6/11)

Rep. Woodward explained the report. Report adopted.

VETO MESSAGE ON HB 715

To All Members of the General Court

I regret that I must veto HB 715, relative to group insurance for part-time employees.

Although I believe that insurance companies should have packages which provide the option for accident and health insurance plans similar to those benefits available to full-time employees, I find this legislation is ambiguous as to its content and this could lead to very significant unintended consequences.

In particular, within the bill the definition of a part-time employee is not specific as to the number of hours the employees are to work to enable them to receive said benefits. Furthermore, this bill which appeared to be intended to require the insurers to make the benefits available to employees, at the option of the employer, is unclear. As written, it could be argued that employers must provide insurance for their part-time employees and this appears to be contrary to the stated intention of the legislation.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 715 pass.

Reps. Wallner and Rounds spoke in favor. Reps. Ahrens and John Burns spoke against and yielded to questions.

Reps. Quimby and Arnesen spoke in favor and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)
YEAS 188 NAYS 141
YEAS 188

BELKNAP: Birch, Bolduc, Bowler, Richard Campbell, Hardy, Malcolm Harrington, Pearson, Randall and Zechhausen.

CARROLL: Russell Chase, Robert Holmes, Powers and Schofield.

CHESHIRE: Blacketor, Daniel Eaton, Frink, Irvin Gordon, Matson, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Harold Burns, Chardon, Coulombe, Frederic Foss, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bennett, Blair, Chambers, Christy, Copenhaver, Densmore, Easton, Hutchings, Wayne King, Rounds, Taffe, Wadsworth, Walter and Ward.

HILLSBOROUGH: August, Barry, Bass, Bernier, Bourque, Burkush, Leslie Burns, Champagne, Charron, Chretien, Clancy, Cote, Cronin, Crotty, William Dion, Dwyer, Dykstra, Joseph Eaton, Gagnon, Scott Green, Marian Harrington, Healy, Hendrick, Chris Jacobson, Lown, Martin, Howard Mason, McCue, McGlynn, Messier, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Pappas, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reardon, Reidy, Ellen-Ann Robinson, Shriver, Leonard Smith, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Varkas, Wagner, Winn and Zis.

MERRIMACK: Anderson, Cailler, James Chandler, Hager, Mary Holmes, Alf Jacobson, Jelley, Millard, Pannell, Pantzer, Rehlander, Walter Robinson, Wallner and West.

ROCKINGHAM: Blanchard, Patti Blanchette, William Boucher, Butler, Case, Connors, Conroy, Day, Emanuelson, Flanagan, Flanders, Elizabeth Greene, Hollingworth, Joslyn, Phyllis Katsakiores, Krasker, Lovejoy, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Romoli, Rosencrantz, Sanderson, Sherburne, Skinner, Sloan, Splaine, Titone, Tufts, Vaughn and Warburton.

STRAFFORD: Bates, Berkey, Bernard, Bryant, Burton, Callahan, Chamberlin, Diamant, Donnelly, Anita Flynn, Frechette, Keans, Kincaid, Laurion, Lussier, Meader, O'Brien, Bruce Packard, Pelley, Francis Robinson, Henry Sullivan and Ann Torr.

SULLIVAN: Brodeur, Disnard, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Schotanus and Sara Townsend.

NAYS 141

BELKNAP: Brough, Brown, Dexter, Golden, Holbrook, Jensen and Matthew Locke.

CARROLL: Ashnault and McIntire.

CHESHIRE: Burley, Delano, Grodin, Elmer Johnson and Morse.

COOS: Brideau, Brungot, Chappell, Guay, Horton and Marsh.

GRAFTON: Driscoll, LaMott, McAvoy, Howard Townsend and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Beaupre, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bourdon, Bridgewater, John Burns, Carragher, Chagnon, Cox, Ducharme, Duperron,

Durant, Fields, Nancy Ford, Fried, Grip, Hogan, Holden, Humphrey, Hyman, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lozeau, Elizabeth Moore, Nute, Paquette, Paradis, Perham, Frances Riley, Philip Rodgers, Sallada, B. P. Smith, Steiner, Stonner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Lucille Wood and Worthen.

MERRIMACK: Barberia, Bardsley, Bibbo, Laurent Boucher, Cate, Connolly, Fraser, Gilbreth, George Gordon, Gross, Hayes, C. William Johnson, Kidder, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, Roberts, Linwood Rogers, Savaria and James Whittemore.

ROCKINGHAM: Bangs, Champoux, Lawrence Chase, Clay, Ellyson, Felch, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Haynes, Hoar, Robert Johnson, Kane, George Katsakiores, Roger King, Malcolm, Robert Mason, McKinney, Scamman, Schwaner, Seward, Simon, Stachowske, Sytek, Vartanian, Walker, Welch and Woodward.

STRAFFORD: Appleby, Edward Flynn, Musler, Spear, Swope, Ralph Torr and Whiting.

SULLIVAN: Call, D'Amante, Domini, Ingram, Rodeschin and Spaulding, and the veto was sustained lacking the constitutional requirement of two-thirds.

Rep. James J. White notified the Clerk that he wished to be recorded in favor of sustaining the Governor's veto on HB 715.

RECESS

AFTER RECESS

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 787, relative to retirement.

COMMITTEE OF CONFERENCE REPORT

HB 787, relative to retirement. (Report printed SJ 6/11)

Rep. Ward explained the report and yielded to questions.

Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 302-FN, provisionally increasing the tobacco tax.

COMMITTEE OF CONFERENCE REPORT

HB 302-FN, provisionally increasing the tobacco tax. (Report printed SJ 6/11)
Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas.

COMMITTEE OF CONFERENCE REPORT

HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas. (Report printed SJ 6/11)

Rep. Elizabeth Greene explained the report.

Rep. Durant spoke against the report.

Rep. Boisvert moved that further consideration of the Committee of Conference Report on HB 802 be made a Special Order for 3:15 p.m. and spoke to his motion.

Rep. Newcombe spoke in favor of the report.

On a voice vote the Boisvert motion lost.

Question now being on the adoption of the Committee of Conference Report on HB 802, a division was requested.

171 members having voted in the affirmative and 137 in the negative, the report was adopted.

Rep. James J. White notified the Clerk that he wished to be recorded in favor of the Committee of Conference Report on HB 802.

SENATE MESSAGE

RULES SUSPENDED FOR INTRODUCTION AND PASSAGE AFTER THE DEADLINES

SB 223, relative to retirement benefits for certain legislative and constitutional officers.

SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to permit the introduction and referral at the present time of SB 223, relative to retirement benefits for certain legislative and constitutional officers, after the deadlines.

Rep. Chambers spoke to the motion and yielded to questions.

Rep. Rounds spoke in favor of his motion and yielded to questions.

Reps. Scamman, Sytek and Russell Chase spoke in favor of the motion.

Reps. Alf Jacobson and Newman spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 255 NAYS 64

YEAS 255

BELKNAP: Bolduc, Bowler, Brough, Brown, Richard Campbell, Dexter, Hardy, Malcolm Harrington, Hawkins, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase, Robert Holmes, McIntire, Powers and Schofield.

CHESHIRE: Burley, Delano, Daniel Eaton, Irvin Gordon, Grodin, Elmer Johnson, Matson, Morse, Parker, Perry, Ramsay, William Riley, Russell, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Mayhew, Theriault and York.

GRAFTON: Blair, Chambers, Christy, Densmore, Driscoll, Duggan, Easton, Rounds, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, August, Barry, Bass, Beaupre, Blais, Robert Blanchette, Boisvert, Lionel Boucher, Bridgewater, John Burns, Leslie Burns, Carragher, Charron, Chretien, Crotty, Ducharme, Duperron, Fields, Nancy Ford, Fried, Gagnon, Scott Green, Grip, Marian Harrington, Healy, Hogan, Holden, Humphrey, Hyman, Jasper, George Jones, Keefe, Kelley, Labombarde, Levesque, Lown, Lozeau, Martin, Howard Mason, McGlynn, Elizabeth Moore, Morrisette, Murphy, Nelson, Newcombe, O'Rourke, Bonnie Packard, Paquette, Pariseau, Perham, Prestipino, Raiche, Reidy, Frances Riley, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Van Loan, Varkas, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood and Worthen.

MERRIMACK: Anderson, Barberia, Bardsley, Bibbo, Cailler, Cate, James Chandler, Connolly, Fraser, Gilbreth, George Gordon, Gross, Hager, Hayes, Mary Holmes, Jelly, C. William Johnson, Kidder, Kinhan, Lewis, Nichols, Pannell, Pantzer, Phelps, Rehlander, Doris Riley, Roberts, Linwood Rogers, Stio, Wallner, West and James Whittemore.

ROCKINGHAM: Blanchard, William Boucher, Butler, Case, Champoux, Lawrence Chase, Clay, Conroy, Day, Emanuelson, Felch, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Lovejoy, Malcolm, McKinney, Palumbo, Parr, Pevear, Popov, Quimby, Raynowska, Romoli, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Splaine, Stachowske, Sytek, Tufts, Vartanian, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bryant, Chamberlin, Anita Flynn, Edward Flynn, Frechette, Kincaid, Laurion, Meader, Musler, O'Brien, Pelley, Francis Robinson, Henry Sullivan, Swope and Ann Torr.

SULLIVAN: Brodeur, Call, D'Amante, Domini, Ingram, Paul Johnson, Lindblade, McKee, Meghan, Normandin, Rodeschin, Schotanus and Sara Townsend.

NAYS 64

BELKNAP: Golden and Holbrook.

CARROLL: Olimpio.

CHESHIRE: Frink.

COOS: Brideau, Lamontagne and Ottolini.

GRAFTON: Arnesen, Bennett, Copenhaver and Wayne King.

HILLSBOROUGH: Bernier, Bourdon, Bourque, Burkush, Champagne, Clancy, Cote, Cox, Cronin, William Dion, Durant, Dykstra, Joseph Eaton, Hendrick, Chris Jacobson, Messier, Nute, Pappas, Paradis, Farmer, Pressly, Reardon, Ellen-Ann Robinson, Philip Rodgers, Wagner, Harold Watson and Zis.

MERRIMACK: Alf Jacobson, Arthur Locke, Millard and Savaria.

ROCKINGHAM: Bangs, Connors, Ellyson, Bert Ford, Haynes, Robert Mason, Newman, Pautelakos, Rosencrantz, Sanderson and Vaughn.

STRAFFORD: Bernard, Callahan, Diamant, Donnelly, Keans, Lussier, Bruce Packard, Spear and Ralph Torr.

SULLIVAN: Disnard and Spaulding, and the motion was adopted by the necessary two-thirds.

The Speaker referred SB 223 to the Committee on Appropriations.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gross moved that the House reconsider its action whereby it adopted the Committee of Conference Report on SB 5, relative to judicial retirement.

Reconsideration lost.

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 42

memorializing former
Representative Edward T. LaFrance
of Manchester.

WHEREAS, we have learned with sorrow of the death of former State Representative Edward T. LaFrance, and

WHEREAS, between 1959 and 1970, Edward T. LaFrance was elected to serve six consecutive terms in the House of Representatives, faithfully serving his constituents in Ward Seven of Manchester, and

WHEREAS, Edward T. LaFrance devotedly served on the Standing Committee for Fish and Game for six consecutive terms, earning the respect and admiration of his colleagues for his leadership and hard work, and

WHEREAS, for twelve years, Edward T. LaFrance served the voters of Manchester as a Selectman of Ward Seven and as Ward Democratic Chairman, and

WHEREAS, Edward T. LaFrance was a life member of the Massabesic Fish and Game Club, and an active member of the Mont Royal Club, the Lafayette Club, and the Laurier Club, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Edward T. LaFrance be publicly recognized and given highest commendation for his service to his community and the State, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

SENATE MESSAGE
REFUSES TO ACCEDE REQUEST FOR NEW
COMMITTEE OF CONFERENCE

HB 466, establishing a governor's commission to study the economic impact of the removal of outdoor advertising devices.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:47 p.m.

RECESS

(Rep. Rounds in the Chair)

ENROLLED BILLS AMENDMENTS

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.

Amendment

Amend RSA 146-A:4, I as inserted by section one of the bill by striking out line 7 and inserting in place thereof the following:

the person or persons strictly liable for an oil discharge shall undertake

Amend RSA 148-B:5 as inserted by section 11 of the bill by inserting after paragraph III the following new paragraph:

IV. The commission may establish a maximum contaminant level or water treatment techniques on a case-by-case basis for a public water system in which an unregulated contaminant creates a health risk, as determined by the division of public health services, department of health and human services, to the users of the public water system. An unregulated contaminant is one for which no maximum contaminant level or treatment technique has been established under paragraph I or II. The maximum

contaminant level for an unregulated contaminant shall be as recommended by the division of public health services, department of health and human services.

Amend the bill by striking out section 40 and inserting in place thereof the following:

40 System Installer Permit. Amend RSA 149-E:3-a (supp) as inserted by 1979, 444:2 by striking out said section and inserting in place thereof the following:
149-E:3-a System Installer Permit.

I. No person shall engage in the business of installing subsurface sewage or waste disposal systems under this chapter without first obtaining an installer's permit from the commission. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The commission shall issue an installer's permit to any person who submits an application provided by the commission, pays a fee of \$25 and demonstrates a sound working knowledge of RSA 149-E:3 and the ability to read approved waste disposal plans. The commission shall require an oral or written examination or both to determine who may qualify for an installer's permit. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application and payment of an annual fee of \$25. The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this chapter or the refusal by a permit holder to correct defective work. The commission shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the commission. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. All fees shall be deposited with the state treasurer as unrestricted revenue.

II. Any person who desires to install or repair a waste disposal system for his own domicile shall not be required to obtain an installer's permit as provided in paragraph I, provided he complies with rules adopted by the commission relative to such systems.

41 Sewage Disposal; Applications. Amend RSA 149-E:3, X (supp) as inserted by 1979, 444:1 by striking out said paragraph and inserting in place thereof the following:

X.(a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for them and who has a permit issued by the commission to perform the work. The commission shall issue a permit to any person who applies to the commission, and pays a fee of \$25 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The commission shall require an

oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application and payment of an annual fee of \$25. A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the commission. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541.

(b) Any person who desires to submit plans and specifications for a sewage or waste disposal system for his own domicile shall not be required to obtain a permit under this paragraph provided that he attests to his eligibility for this exemption in the application for construction approval. The commission may adopt rules, pursuant to RSA 541-A, relative to requiring a permit holder to be a registered professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue.

42 Contingent Provision. If SB 64 of the 1985 regular legislative session becomes law, section 2 of SB 64 shall take effect one day after section 11 of this act takes effect.

43 Contingency Provision.

I. If HB 393 becomes law, sections 40 and 41 of this act shall take effect 60 days after its passage, and sections 22 and 23 of this act shall not take effect.

II. If HB 393 does not become law, sections 22 and 23 of this act shall take effect 60 days after its passage, and sections 40 and 41 of this act shall not take effect.

III. If HB 419 does not become law, section 3 of this act shall take effect 60 days after its passage.

IV. If HB 419 becomes law, section 3 of this act shall not take effect.

44 Effective Date.

I. Sections 3, 22, 23, 40 and 41 of this act shall take effect as provided in section 43 of this act.

II. Sections 28, 29, 30, 31, 32, and 33 of this act shall take effect January 1, 1986.

III. The remainder of this act shall take effect 60 days after its passage.

This amendment corrects a spelling error; conditionally amends 2 RSA sections depending upon whether or not HB 393-FN becomes law; and provides that section 3 of this bill shall not take effect if HB 419 becomes law. HB 419 contains an expanded version of section 3 of this bill. The amendment also amends section 11 of this bill to reflect the change made in RSA 148-B:5 by HB 705-FN (Chapter 226).

Adopted.

HB 443-FN, establishing the central interagency motorpool study committee.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the central interagency motorpool study committee and making an appropriation therefor.

Amend the bill by designating the sections after section 4 as sections 5, 6, and 7, respectively.

This amendment corrects the title of the bill to mention the bill's appropriation and renumbers certain sections of this bill to correct a numbering error in the bill.

Adopted.

HB 428-FN, relative to mortgage home loans.

Amendment

Amend RSA 398-A:13 as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

398-A:13 Rulemaking Authority. The bank commissioner shall adopt rules, pursuant to RSA 541-A, governing institutions which make mortgage loans within the state of New Hampshire relative to the following:

I. The application forms for licenses under RSA 398-A:1-a.

II. The reports required by RSA 398-A:1-e.

III. Procedures for responding to consumer concerns and inquiries.

IV. Escrow policy for New Hampshire mortgage loans.

V. Insurance requirements.

Amend section 14 of the bill by striking out line 1 and inserting in place thereof the following:

14 Escrow Policies. If HB 318 becomes law, RSA 398-A:13, IV as

This amendment is made to incorporate the amendment made to the same RSA section by HB 105 (chapter 55).

Adopted.

HB 132-FN, relative to sunset review of parks and recreation.

Amendment

Amend RSA 216-A:3-g, II as inserted by section 6 of the bill by striking out line 5 and inserting in place thereof the following:

shall be as profitable as possible, within the purposes of the park system.

Amend section 7 of the bill by striking out line one and inserting in place thereof the following:

7 Rulemaking. Amend RSA 12-A:2-c, II(c) (supp) as inserted by 1983,

This amendment corrects a grammatical error in section 6 of the bill and typographical error in section 7 of the bill.

Adopted.

HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike and naming certain bridges and a highway.

Amendment

Amend section one of the bill by striking out line one and inserting in place thereof the following:

1 Appropriation. Amend RSA 237:7, I(e) (supp) as inserted by 1983, 427:2 by

Amend section 2 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

87:1 as amended by striking out in line 4 the sum "\$130,746,500" and inserting in place thereof the following (\$144,146,500), so that said

Amend RSA 237:8 as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

to borrow upon the credit of the state a sum not exceeding \$144,146,500 and

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

427:1 and 1983, 76:1 by striking out said paragraph and inserting in place

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the appropriation for construction and improvements to the central New Hampshire turnpike and naming certain bridges and highways.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Borrowing Authorized. Amend RSA 237:8 (supp) as inserted by 1981, 87:1 as amended by striking out in line 4 the sum "\$130,746,500" and inserting in place thereof the following (\$158,600,000), so that said section as amended shall read as follows:

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$158,600,000 and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may

mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

9 Contingent Provision. If HB 264 of the 1985 regular session becomes law, section 8 of this act shall take effect one day after HB 264 takes effect. If HB 264 does not become law, section 8 of this act shall not take effect.

10 Effective Date.

I. Section 8 of this act shall take effect as provided in section 9 of this act.

II. The remainder of this act shall take effect upon its passage.

This amendment corrects the title and the amending language in sections one and 3 of the bill and corrects typographical errors in section 2 of the bill. This amendment also provides a contingency if HB 264 of the 1985 regular session of the general court becomes law.

Adopted.

HB 257, relative to the restoration and rehabilitation of Tip Top House on Mount Washington and relative to other repairs in Mount Washington state park.

Amendment

Amend section 3 of the bill by striking out lines 1-3 and inserting in place thereof the following:

3 Bonds. Amend 1983, 423:8 as amended by 1985, 44:19 by striking out in line 4 the amount "\$22,237,345" and inserting in place thereof the following (\$24,487,345) so that said section as amended shall read as follows:

Amend section 3 of the bill by striking out line 7 and inserting in place thereof the following:

state not exceeding the sum of \$24,487,345 and for said purposes may issue

This amendment increases the amount of the total sum of bonds authorized for capital improvements in section 3 of the bill so that the total amount authorized reflects the changes in the amounts authorized in HB 200.

Adopted.

HB 694-FN, relative to welfare and making an appropriation therefor, and relative to a study committee, the division

of health and human services, and nursing home payments.

Amendment

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Deletion. Sections 29 and 34 of SB 1 of the 1985 regular session of the general court shall not take effect.

Amend section 4 of the bill by striking out line 5 and inserting in place thereof the following:

human services under RSA 167:6, V:

This amendment inserts a provision in the bill which states that 2 sections in SB 1 shall not become effective so that SB 1, which becomes effective January 1, 1986, will not delete the substantive changes made by this bill.

This amendment also corrects one erroneous RSA citation reference.

Adopted.

HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor.

Amendment

Amend RSA 141-B:8 as inserted by section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

141-B:8 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

This amendment inserts the letters "RSA" which were mistakenly left out of a citation in the bill.

Adopted.

HB 126-FN, relative to sunset review of state office administration and making an appropriation therefor.

Amendment

Amend section 2 of the bill by striking out line 4 and inserting in place thereof the following:

full power to make amendments to or to terminate the PAU's listed

This amendment corrects a typographical error in the bill.

Adopted.

SB 200, establishing a department of transportation.

Amendment

Amend RSA 21-J:12, XLVIII as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

operations, as authorized by RSA 367:50-57.

Amend RSA 21-J:15, I as inserted by section one of the bill by striking out line 9 and inserting in place thereof the following:

RSA 21-J:8, and decisions relative to common carriers by rail, which may be

Amend section 2 of the bill by striking out lines 1-6 and inserting in place thereof the following:

2 Transfer and Terminations.

1. The department of public works and highways and the aeronautics commission are abolished and all of the powers, functions, duties, and responsibilities of those entities and the powers, functions, duties and responsibilities of the officials of those entities are transferred to and vested in the commissioner of transportation appointed pursuant to this act.

Amend section 7 of the bill by striking out line 3 and inserting in place thereof the following:

Railroads and Other Common Carriers

Amend section 15 of the bill by striking out line one and inserting in place thereof the following:

15 Public Utility; New Definition.

Amend RSA 362:2 and 3 by striking out

Amend section 28 of the bill by striking out line 3 of said section and inserting in place thereof the following:

422:10 Operation of Aircraft. The commissioner, after

Amend line 3 of section 38 of the bill by striking out same and inserting in place thereof the following:

works within the department of public works and highways

Amend the bill by striking out section 40 and inserting in place thereof the following:

40 Reference Change Authorized. If HB 26 becomes law and SB 199 does not become law, all references to RSA 21-J in this act shall be deemed to refer to RSA 21-K. If SB 199 becomes law and HB 26 does not become law, all references to RSA 21-J in this act shall be deemed to refer to RSA 21-K. If both HB 26 and SB 199 become law, all references to RSA 21-J in this act shall be deemed to refer to RSA 21-L. The director of legislative services is hereby authorized, with the approval of the speaker

of the house and the president of the senate, to make these changes, provided that no substantive changes may hereby be made.

41 Effective Date.

I. Sections 1, 2, 3, 4, 5, 34, 35, II(a), 36, 37, 38, 40, and 41 of this act shall take effect July 1, 1985.

II. The remainder of this act shall take effect when the department of transportation becomes operational on the date set according to 1983, 372:5, II.

This amendment corrects typographical errors and technical errors in the bill. This amendment also inserts a contingency section to allow for changes in the numbering of a chapter inserted by the bill if HB 26 or SB 199 or both become law.

Adopted.

ENROLLED BILLS REPORT

HB 23, relative to penalties for violations in connection with the taking of marine species and prohibiting bait dealers from taking smelt from certain lakes for 2 years.

HB 42, amending the reckless driving and negligent homicide statutes.

HB 46, relative to sealing and certifying ballots and procedures for removing the assistant secretary of state.

HB 64, limiting the liability of persons aiding crime victims.

HB 170, appropriating the proceeds of the sale of certain state prison property and relative to the sale of real property which was funded by general fund appropriation.

HB 173, establishing and making an appropriation for the New Hampshire bicentennial commission on the United States Constitution.

HB 185, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor.

HB 261, relative to out-of-state back-up ambulance services.

HB 296, relative to the disorderly conduct law.

HB 327, relative to the Laconia by-pass in the town of Gilford and the by-pass around the town of Conway and making an appropriation therefor.

HB 426, relative to pharmacy inspectors and making an appropriation therefor.

HB 445, relative to local probation services and to the duties of the select commission to study a unified court system.

HB 446, relative to catastrophic aid to school districts.

HB 517, relative to forfeiture of items used in connection with drug offenses.

HB 612, relative to the administration of the alcohol education program and making an appropriation therefor and relative to design and planning work of the division of public works and relative to the purchase of table wines.

HB 658, relative to private security agencies.

HB 677, amending the nonprofit corporation act, the business corporation

act, the professional corporation act, and the trade name act.

HB 725, relative to judgments and executions.

SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money.

SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor.

SB 138, amending the administrative procedure act.

SB 170, enabling the liquor commission to lease space in its stores for placing automatic teller machines and establishing the retail price of wines sold by licensees.

Rep. James A. Chandler
Sen. Mark Hounsell
For the Committee.

ENROLLED BILLS REPORT

SB 198, relative to the adoption statutes.

SB 209, relative to raffles held in conjunction with bingo games.

SB 220, relative to eliminating the ad damnum clause.

Rep. Daniel A. Eaton
Sen. Mark Hounsell
For the Committee.

ENROLLED BILLS REPORT

HB 148, relative to sunset review of industrial development authority.

HB 283, continuing nursing home cost incentive programs.

HB 708, relative to the indigent defense program.

HB 722, relative to insurance practices and tax collection.

HB 756, relative to the hazardous waste cleanup fund and authorizing remedial cleanup of hazardous wastes and making an appropriation therefor.

SB 35, relative to medical review committee reports.

SB 103, relative to town meetings, school district meetings, and fire district meetings.

SB 118, relative to timely filing of returns under the meals and rooms tax.

SB 130, implementing a comprehensive moose management program.

Rep. James A. Chandler
Sen. Rhona M. Charbonneau
For the Committee.

ENROLLED BILLS REPORT

HB 39, providing for the reconstruction of a section of Prescott Road in the town of Raymond and making an appropriation therefor.

HB 103, relative to sunset review of the sweepstakes commission.

HB 109, relative to sunset review of the division of vocational technical education.

HB 112, relative to sunset review of the port authority.

HB 124, relative to sunset review of aeronautics commission administration and support.

HB 318, relative to mortgage escrow accounts and jointly held safe deposit boxes.

HB 505, relative to the office of ombudsman within the state council on aging.

SB 134, relative to highways to public waters.

Rep. Daniel A. Eaton
Sen. Rhona M. Charbonneau
For the Committee.

ENROLLED BILLS REPORT

HB 45, relative to licenses issued by the department of fish and game.

HB 55, authorizing the director of the division of public health services to schedule controlled drugs and making an appropriation therefor.

HB 84, relative to clarification of certain terms concerning special education children.

HB 104, relative to sunset review of the pari-mutuel commission.

HB 180, establishing a department of justice and making an appropriation therefor.

HB 184, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters.

HB 186, relative to home health care providers and making an appropriation therefor; and establishing renewal dates for insurance licenses.

HB 231, strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licensees or permittees.

HB 233, to fund the acquisition of agriculture land development rights and making an appropriation therefor.

HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way and the relocation of certain public utility property.

HB 265, relative to boat inspectors.

HB 333, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks; and making an appropriation therefor.

HB 404, deleting the requirement for district court sessions in Epping.

HB 419, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program.

HB 421, relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor and relative to the excellence in education program.

HB 434, relative to missing children and making an appropriation therefor.

HB 436, relative to a study of the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor; and relative to an exception for highway building equipment.

HB 444, transferring costs of court facilities to the state and making an appropriation therefor.

Sen. George E. Freese, Jr.
Rep. Chris Jacobson
For the Committee.

ENROLLED BILLS REPORT

HB 457, relative to foundation aid to certain school districts.

HB 461, relative to funding the various veterans' programs in the state and making an appropriation therefor.

HB 482, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor.

HB 485, relative to the number plate fund.

HB 486, relative to tuition and to certain properties of the institutes of the department of vocational-technical education and making an appropriation therefor.

HB 490, relative to the pharmacy board and amending the controlled drug act.

HB 511, requiring special agents to complete a preparatory police training program.

HB 557, relative to the division for children and youth services and an adoption assistance compact.

HB 579, relative to regulation of manufactured housing parks.

HB 586, relative to a technical amendment of the Uniform Securities Act and licensing requirements for agents, broker-dealers and issuer-dealers.

HB 589, relative to agricultural activities and municipal planning and zoning powers and relative to division of public works planning and design costs.

HB 634, establishing the secure psychiatric unit at the New Hampshire state prison.

HB 666, relative to school district budgets and municipal accounts.

HB 692, relative to contribution rates for unemployment compensation.

HB 697, relative to courts and court procedure.

HB 734, relative to child support enforcement and making an appropriation therefor.

HB 740, recodifying the historic preservation statutes.

Rep. Chris Jacobson
Sen. Mark Hounsell
For the Committee.

RECESS

(Rep. Rounds in the Chair)

ENROLLED BILLS REPORT

HB 142, relative to sunset review of agricultural regulations program.

HB 163, relative to closure of food service establishments.

HB 169, relative to pesticides controls.

HB 232, relative to adopting the federal boat numbering system.

HB 476, relative to the health services competition law and making an appropriation therefor.

HB 575, relative to administrative procedures and state and local government cooperation.

HB 630, relative to workers' compensation for call firemen, special duty police officers, and members of the general court.

HB 766, relative to juvenile detention procedures.

SB 1, relative to the settlement laws.

SB 27, allowing off-site caterers to sell liquor and beverages to members of a private party.

SB 30, relative to regulatory boards and commissions.

SB 32, relative to matters of public protection.

SB 52, establishing an advisory committee on rules of evidence.

SB 117, establishing an annual commemorative rifle or shotgun lottery.

SB 211, relative to the road toll statute.

Rep. Daniel A. Eaton

Sen. Mark Hounsell

For the Committee.

RECESS

(Rep. Dexter in the Chair)

ENROLLED BILLS REPORT

HB 126, relative to sunset review of state office administration and making an appropriation therefor.

HB 132, relative to sunset review of parks and recreation.

HB 257, relative to the restoration and rehabilitation of Tip Top House on Mount Washington and relative to other repairs in Mount Washington state park.

HB 302, provisionally increasing the tobacco tax.

HB 351, increasing the appropriation for construction and improvement to the central New Hampshire turnpike and naming certain bridges and highways.

HB 406, relative to chronic disease prevention, assessment, and control and making an appropriation therefor.

HB 428, relative to mortgage home loans.

HB 443, establishing the central interagency motorpool study committee and making an appropriation therefor.

HB 694, relative to welfare and making an appropriation therefor, and relative to a study committee, the division of health and human services, and nursing home payments.

HB 787, relative to retirement.

Rep. Natalie S. Flanagan

Sen. John P. H. Chandler

For the Committee.

RECESS

(Rep. Chambers in the Chair)

ENROLLED BILLS AMENDMENTS

HB 498, relative to the dam maintenance fund and making an appropriation therefor; exemptions from the provisions of RSA 228; and extending certain lapse dates.

Amendment

Amend section 2 of the bill by striking out line 6 and inserting in place thereof the following:

authorized by this act are hereby appropriated from the dam maintenance fund

Amend paragraph IV of section 5 of the bill by striking line 2 and inserting in place thereof the following:

appropriation made by 1983, 423:1, VI, A for ski lift capital repairs and

This amendment corrects a spelling error by changing "as" to "are" and corrects a reference in section 5 of the bill.

Adopted.

HB 802, authorizing the city of Nashua to adopt an emissions control program and establishing a study committee to analyze data relative to air pollution in Nashua.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the adoption of a program of motor vehicle emissions inspection in certain areas and establishing a study committee to analyze data relative to air pollution in Nashua.

This amendment corrects the title of the bill to reflect its amended contents.

Adopted.

HB 288, relative to the duties and responsibilities of the department of administrative services.

Amendment

Amend section 4 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

shall be accomplished within the existing appropriations of the department of administrative

Amend section 5 of the bill by striking out lines 1-4 and inserting in place thereof the following:

5 Changes in Authority. As of July 1, 1985, the following references are

Amend section 5 of the bill by striking out lines 6, 7 and 8.

Amend paragraphs II, III, and IV of section 5 of the bill by redesignating said paragraphs as I, II, and III, respectively.

Amend section 20 of the bill by striking out lines one and 2 and inserting in place thereof the following:

20 Director of Plant and Property Management. Amend RSA 21-I:11, VIII and IX (supp) as inserted by 1985, 188:4 by striking out said paragraphs and inserting in place thereof the following:

Amend section 20 of the bill by striking out line 4 and inserting in place thereof the following:

assessed according to rules adopted pursuant to RSA 21-I:14, XIII against

Amend RSA 21-I:11, IX as inserted by section 20 of the bill by striking out line 2 and inserting in place thereof the following:

XIII to each recipient of donated commodities or surpluses distributed by

Amend RSA 21-I:12, I as inserted by section 22 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) There shall be within the function of purchase and property a surplus distribution section, which shall continue to operate for such period of time as surpluses or donated commodities of any kind are made available for distribution to the state by any department, division, or agency of the United States government or by any other source. The surplus distribution section shall be under the supervision of a classified supervisor of surplus distribution, who shall be responsible for the following functions, in accordance with applicable laws:

(1) Requesting, transporting, receiving, warehousing, allocating, enforcing compliance and delivering, where deemed expedient, any surpluses or commodities made available to the state by the federal government or by any other source.

(2) Assuring that all contracts, agreements, leases or other documents entered into by the commissioner in order to operate the program of distribution of federal commodities and surpluses comply with the regulations and directives of the federal government.

(3) In his discretion, receiving, allocating and distributing food supplies and other school food services supplies in cooperation with the New Hampshire School Food Service Association Co-operative, Inc., and such activities shall in no way constitute a restriction of trade.

(4) In his discretion, participating and cooperating in informational projects relating to distributions made by the agency.

Amend section 22 of the bill by striking out lines 2-6 and inserting in place thereof the following:

21-I:12, I (supp) as inserted by 1983, 416:40 by striking out said paragraph and inserting in place thereof the following:

Amend section 24 of the bill by striking out lines one and 2 and inserting in place thereof the following:

24 Duties of the Commissioner. Amend RSA 21-I:13, IX (supp) as inserted by 1985,

188:6 by striking out said paragraph and inserting in place thereof the following:

Amend section 25 of the bill by striking out same and inserting in place thereof the following:

25 Rulemaking. Amend RSA 21-I:14 by inserting after paragraph XI the following new paragraphs:

XII. Standards and procedures governing the purchase of all materials, supplies and equipment by the division of plant and property management.

XIII. Management of the state employees group insurance program authorized by RSA 21-I:26 through 21-I:36.

Amend section 26 of the bill by striking out line 2 and inserting in place thereof the following:

I. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended by

Amend section 26 of the bill by striking out line 7 and inserting in place thereof the following:

II. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended

Amend section 26 of the bill by striking out line 11 and inserting in place thereof the following:

III. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended

Amend section 26 of the bill by striking out line 16 and inserting in place thereof the following:

IV. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended

Amend section 26 of the bill by striking out line 21 and inserting in place thereof the following:

V. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended by

Amend section 26 of the bill by striking out line 26 and inserting in place thereof the following:

VI. Amend RSA 94:l-a, I (supp) as inserted by 1975, 505:28 as amended

Amend section 26 of the bill by inserting after line 15 the following:

(d) Director, purchase and property.

Amend section 27 of the bill by striking out lines 4-7 and inserting in place thereof the following:

III. RSA 8-C, relative to the department of centralized automated data processing.

IV. RSA 21-I:10, I(c), relative to financial accounting programs.

Amend section 28 of the bill by striking out line 11 and inserting in place thereof the following:

(c) Business supervisor analyst;

Amend section 33 of the bill by striking out same and inserting in place thereof the following:

33 New Chapter; Content from HB 348 (Chapter 186). Amend RSA by inserting after chapter 4-A the following new chapter:

CHAPTER 4-B
TERM INSURANCE FOR THE GOVERNOR

4-B:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of administrative services.

II. "Governor" means the person selected governor pursuant to Pt. II, Art. 42 of the New Hampshire constitution.

4-B:2 Contracts. The commissioner shall enter into a term life insurance contract with an insurance company licensed to do business in this state. The face value death benefit provided by the contract shall equal the amount set forth in RSA 4-B:3.

4-B:3 Term Life Insurance. The state shall provide a term life insurance policy for any governor. The policy shall provide a face value death benefit in an amount equal to the annual salary provided the governor in RSA 94:1-a. The state shall pay all premiums associated with the policy. The policy shall be in effect only as long as the governor serves in that capacity.

4-B:4 Beneficiary. The beneficiary with respect to the face value death benefit shall be designated by the governor.

34 Delegation of Purchasing Authority Inserted from HB 414 (Chapter 167). Amend RSA 21-I by inserting after section 17 the following new section:

21-I:17-a Delegation of Purchasing Authority.

I. The director of plant and property management may, upon written application of the governing board of any agency, authorize such governing board, or one or more individuals designated by such board, to purchase supplies for the agency directly from vendors by the use of field purchase orders; provided, however, that no such field purchase order shall be used where a total expenditure of more than \$100 is involved. The form and use of such field purchase orders shall be prescribed by rules adopted by the commissioner of administrative services, pursuant to RSA 541-A. The director may also authorize purchases using the integrated financial system for contracted commodities and services, provided that the total expenditure involved does not exceed \$1,000.

II. Upon the joint recommendation of the commissioner of administrative services and the governing board of any agency, the governor and council, in their discretion, may authorize such governing board, or one or more individuals designated by such governing board to purchase supplies

for the agency directly from vendors in such quantities and for such sums as the governor and council shall prescribe; provided, however, that any such authority shall be subject to the limitations of the amounts appropriated and the purposes authorized by the legislature for the agency, and provided further that all such delegations of purchasing authority shall expire on December 31 of the even numbered years. Whenever such purchasing authority is so delegated to any agency, the requirements of RSA 21-I:11, IV and V, and rules adopted pursuant to RSA 21-I:14, X, shall apply to the governing board or its authorized agent exercising such delegated authority.

35 Effective Date. This act shall take effect July 1, 1985.

Amend the bill by striking out sections 2, 3 and 21 and renumbering the original sections 4-20 and 22-35 to read as 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, respectively.

This amendment corrects a grammatical error, errors in amending language, and incorrect cross references. The amendment also deletes sections 2, 3 and 21 of the bill and makes other revisions made necessary by the passage of HB 146 (Chapter 188). HB 146 transferred the New Hampshire distributing agency to the department of administrative services on May 28, 1985, the effective date of HB 146.

Because the bill inserts "director, plant and property management" into group 0, a technical correction was necessary to provide for the deletion of "director, purchase and property" from group N of RSA 94:1-a, I.

The amendment also inserts as a new RSA chapter the contents of HB 348 (Chapter 186) because HB 348 amended RSA 8 which is repealed by this bill. A new section is inserted into RSA 21-I relating to the delegation of purchasing authority. Paragraph I of this section is from HB 414 (Chapter 167) which amended RSA 8 which is repealed by this bill. Paragraph II, an updated version of existing law, is inserted because HB 414 did not anticipate the repeal of RSA 8.

Adopted.

RECESS

(Rep. Kidder in the Chair)

ENROLLED BILLS REPORT

HB 288, relative to the duties and responsibilities of the department of administrative services.

HB 498, relative to the dam maintenance fund and making an appropriation therefor; exemptions from the provisions of RSA 228; and extending certain lapse dates.

HB 802, authorizing the adoption of a program of motor vehicle emissions inspection in certain areas and establishing

a study committee to analyze data relative to air pollution in Nashua.

SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.

SB 200, establishing a department of transportation.

Rep. Chris Jacobson

Sen. John P. H. Chandler

For the Committee.

APPOINTMENT OF CONFEREES

HB 189 - Reps. Robert Jones, Marian Harrington, Sallada and Michael King.

HB 289 - Reps. Robert Jones, Zeckhausen, Marian Harrington and Matson.

RECESS

Rep. Rounds moved that the House adjourn.
Adopted.

HOUSE JOURNAL 30

Monday, 24 Jun 85

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We thank You, Lord, for Your guidance through this session year. We thank You for the associations made here in Concord. We thank You for the support of families and friends. We thank You for the strength and talent to serve our State. Now, may our dealings with the budget be honest in the face of the needs of our people. Amen.

Rep. Burley led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Diamant, Ames, Martin, Daniell, Kohl, Ducharme and Clay, the day, illness.

Reps. Bryant, Richard Campbell, Hollingworth, Bernier, Russell, Newcombe, Francis Robinson, Nancy Ford, Nagel, Lionel Boucher, Normandin, Fried, Brown, Bass, Case, Hyman, Marsh, Bolduc, Champoux, Bangs, Simon, Laurion, Holden, Grip, Secord, Felch, Swope, Michael King, Patti Blanchette, Tufts, Whiting and Mehegan, the day, important business.

Rep. Olimpio, the day, death in the family.

Reps. Pevear, Wells, Walker and Stio, the day, illness in the family.

SENATE MESSAGES CONCURRENCE

HB 440-FN, relative to sovereign immunity.

NONCONCURRENCE WITH COMMITTEE OF CONFERENCE REPORT

SB 5, relative to judicial retirement.

ADOPTION OF COMMITTEE OF COMMITTEE OF CONFERENCE REPORTS

HB 118-FN, relative to sunset review of division of legal counsel.

HB 383-FN, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.

REQUESTS CONCURRENCE

SB 224, relative to special plates for former prisoners of war.

SB 225, relative to state employee and judicial salaries and making an appropriation therefor.

SB 226, authorizing cities and towns to borrow for certain planning costs.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit introduction of SB 224, SB 225 and SB 226, after the deadline.

Adopted by the necessary two-thirds.

The Speaker referred SB 224 and SB 226 to the Committee on Municipal and County Government.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of SB 225, relative to state employee and judicial salaries and making an appropriation therefor, without referral, public hearing and notice in the calendar, after the deadline.

Reps. Rounds and Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Champagne abstained from voting under Rule 16.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to place SB 225, relative to state employee and judicial salaries and making an appropriation therefor, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Rep. Champagne abstained from voting under Rule 16.

Question now being shall SB 225, relative to state employee and judicial salaries and making an appropriation therefor, be read a third time and passed. Adopted.

Third reading and final passage

SB 225, relative to state employee and judicial salaries and making an appropriation therefor.

RECONSIDERATION

Rep. Rounds moved that the House reconsider its action whereby it passed SB 225, relative to state employee and judicial salaries and making an appropriation therefor.

Reconsideration lost.

SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit

consideration of Committee of Conference Reports after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT

HB 118, relative to sunset review of division of legal counsel. (Report printed SJ 6/20)

Rep. Sytek explained the report.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 383, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction. (Report printed SJ 6/20)

Rep. Scranton explained the report and yielded to questions.
Report adopted.

VETO MESSAGE ON HB 526

To All Members of the General Court

I have vetoed HB 526, prohibiting drugs in pulling contests.

Although this bill's intent was simply to prohibit the use either internally or externally of any drug, including phenylbutazone, in pulling contests, the final measure mistakenly totally removed the prohibition against doping and stimulating animals in all other "equine events" in New Hampshire.

More particularly the present statute RSA 443:90 directs that:

443:90 Doping and Stimulating. It is unlawful for any person to administer internally or externally a drug, or stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in an equine event. The term "equine event" as used in this subdivision shall include pulling contests, trail rides, carriage events, horse shows, races, dressage exhibitions, private and organized sales, and other competitive events involving ponies or horses.

HB 526 strikes out in its entirety the present section (RSA 443:90) as reviewed above and inserts in place the following provisions:

443:90 Doping and Stimulating. It is unlawful for any person to administer internally or externally any drug, including phenylbutazone in pulling contests, or stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in a pulling contest.

The implications of the deletion of "equine events" from the doping and stimulating prohibition portion of the statute are profound. I have reviewed the legislation with the sponsor and other members of the General Court and they concur with my position that this bill certainly must not become law. If such were to occur it would severely prejudice, if not destroy, the integrity of equine events in New Hampshire.

John H. Sununu, Governor

Question being notwithstanding the Governor's veto, shall HB 526 pass.

Reps. Elmer Johnson, Rounds and Elizabeth Greene spoke against.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 10 NAYS 295

YEAS 10

BELKNAP: None.

CARROLL: McIntire.

CHESHIRE: Ramsay and William Sullivan.

COOS: None.

GRAFTON: Mann.

HILLSBOROUGH: Burkush.

MERRIMACK: Barberia and Lewis.

ROCKINGHAM: William Boucher and Burdick.

STRAFFORD: Donnelly.

SULLIVAN: None.

NAYS 295

BELKNAP: Birch, Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Powers and Schofield.

CHESHIRE: Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ridge, Schwartz, Scranton, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, LaMott, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Beaupre, Bergeron, Robert Blanchette, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Duperron, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Gagnon, Marian Harrington, Healy, Herod, Humphrey, Chris Jacobson, Jasper, George Jones, Kelley, Labombarde, Levesque, Lown, Lozeau, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Pappas, Paquette, Paradis, Parmenter, Perham, Pressly,

Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Arthur Locke, Millard, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Butler, Marilyn Campbell, Lawrence Chase, Connors, Conroy, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, McCain, McKinnie, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callahan, Chamberlin, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Kincaid, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the constitutional requirement of two-thirds.

Reps. Barberia, Lewis and Donnelly notified the Clerk that they wished to be recorded in favor of sustaining the Governor's veto on HB 526.

Rep. Burkush notified the Clerk that he wished to be recorded in favor of overriding the Governor's veto on HB 526.

VETO MESSAGE ON HB 778

To All Members of the General Court

I regret that I must veto HB 778-FN, authorizing cities and towns to borrow for certain planning costs.

Subsequent to considerable review of the measure with the legislative sponsors, bond council, and a representative from the City of Concord, which is a primary catalyst for the legislation, it appears that results, which were not the intent of this legislation, could occur if this measure were to become law. Specifically, the bill which concerns planning costs on solid

waste, could conceivably result in the issue of bonds without prior knowledge of the Industrial Development Authority (IDA), which would count under the private activity bond cap administered by the IDA. This ambiguity would prevent any effective control of the cap being utilized and, in so doing, would surely prejudice the efforts of the IDA. I have, along with the sponsors, caused to be drafted the following section to be added to the legislation which, I understand, will be pursued by the sponsors in this session or next.

Amend 33:3-C by deleting the last sentence and substituting as follows:

A municipality or county may issue its bonds or notes in accordance with this section for planning and other preliminary expenses relating to solid waste disposal or resource recovery facilities to serve the municipality or county, notwithstanding that the facilities may later be owned by a private entity, but only for such expenses incurred prior to any binding contractual commitment to a proposed private owner, and only if such bonds or notes do not constitute "Private Activity Bonds" as defined in Section 103 (n) (7) of the U.S. Internal Revenue Code of 1954 as amended.

Without the addition of this section, it is inappropriate that the proposed legislation become law.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 778 pass.

Reps. Mann, Hager and Rounds spoke against.

Rep. Sara Townsend moved the previous question. Sufficently seconded. Adopted.

(Speaker presiding)

YEAS 1 NAYS 305

YEAS 1

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Cote.

MERRIMACK: None.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None.

NAYS 305

BELKNAP: Birch, Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Blacketor, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Arnesen, Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Beaupre, Bergeron, Robert Blanchette, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cox, Cronin, Donovan, Duperron, Dupont, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Gagnon, Marian Harrington, Healy, Herod, Humphrey, Chris Jacobson, Jasper, George Jones, Kelley, Labombarde, Levesque, Lown, Lozeau, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderloak, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelley, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald Smith, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Butler, Marilyn Campbell, Lawrence Chase, Connors, Conroy, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, McCain, McKinney, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callahan, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Kincaid, Lussier, Meader, Mussler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Call, D'Amante, Dinsard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the constitutional requirement of two-thirds.

Rep. Cote notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. William Dion notified the Clerk that he wished to be recorded in favor of sustaining the Governor's veto on HB 778.

VETO MESSAGE ON HB 505

To All Members of the General Court

I have vetoed HB 505, relative to the office of ombudsman within the state council on aging.

Subsequent to careful review with the New Hampshire State Council on Aging, who requested this legislation, it was found that the final version of the bill was not what was intended by the Council. In fact, should the measure become law, it would severely prejudice the efforts of the Office of the Ombudsman. In this regard, I received the following request from the Director of the State Council on Aging, by letter dated June 14, 1985:

"Your office brought to our attention a major flaw in HB 505, relative to the Office of Ombudsman within the State Council on Aging. As approved by the Committee of Conference, the bill would have a devastating impact on the powers of the Ombudsman. Since this is the case, we request that you veto this bill in order to preserve the Ombudsman's current role as effective watchdog for institutional long term care. We very much appreciate your continuing support of the essential work performed by the Office of Ombudsman."

John H. Sununu, Governor
Date: 6/14/85

Question being, notwithstanding the Governor's veto, shall HB 505 pass.

Reps. Emma Wheeler and Sara Townsend spoke against.

Rep. Rounds moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)
YEAS 0 NAYS 305
YEAS 0

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: None.

MERRIMACK: None.

ROCKINGHAM: None.

STRAFFORD: None.

SULLIVAN: None.

NAYS 305

BELKNAP: Birch, Bowler, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Schofield.

CHESHIRE: Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Duggan, Easton, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Barry, Beupre, Bergeron, Robert Blanchette, Boisvert, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Clancy, Cote, Cox, Cronin, William Dion, Donovan, Duperron, Dupont, Duprey, Durant, Dwyer, Dykstra, Clyde Eaton, Joseph Eaton, Fields, Gagnon, Marian Harrington, Healy, Herod, Humphrey, Chris Jacobson, Jasper, George Jones, Kelley, Labomarde, Levesque, Lown, Lozeau, Howard Mason, McGlynn, Messier, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, O'Rourke, Pappas, Paquette, Paradis, Pariseau, Parmenter, Perham, Pressly, Prestipino, Raiche, Reardon, Reidy, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, M. Arnold Wight, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, James Chandler, Connolly, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jelly, C. William Johnson, Kidder, Lewis, Arthur Locke, Millard, Pannell, Pantzer, Phelps, Rehlander, Walter Robinson, Linwood Rogers, Savaria, Shepard,

Gerald Smith, Wallner, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Butler, Marilyn Campbell, Lawrence Chase, Connors, Conroy, Day, Ellyson, Emanuelson, Flanagan, Harry Flanders, Bert Ford, Beverly Gage, Thomas Gage, Goss, Courdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy, Joseph MacDonald, Mace, Magoon, Malcolm, McCain, McKinney, Newman, Palumbo, Pantelakos, Parr, Popov, Raynowska, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Vartanian, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Callahan, Chamberlin, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Patricia Foss, Robert Jones, Keans, Kincaid, Lussier, Meader, Musler, O'Brien, Parks, Pelley, Spear, Henry Sullivan, Ann Torr, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the constitutional requirement of two-thirds.

ENROLLED BILL AMENDMENT

SB 4, relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs and making an appropriation to replace a railroad bridge on the Northfield-Tilton town line.

Amendment

Amend section 10 of the bill by striking out line one and inserting in place thereof the following:

10 Bonds. To provide funds for the appropriation made in section 7 of

Amend section 12 of the bill by striking out line 2 and inserting in place thereof the following:

the compact amendment set forth in section 9 of this act, including the

Amend section 15 of the bill by striking out same and inserting in place thereof the following:

15 Effective Dates.

I. Sections 1-6 and 13 of this act shall take effect 60 days after its passage.

II. Sections 7 and 8 of this act shall take effect 60 days after its passage.

III. Sections 9-12 of this act shall take effect 60 days after its passage, or upon the effective date of similar legislation in Maine, whichever is later.

Amend the bill by striking out sections 6 and 8 and renumbering the original sections 7 and 9-15 as follows: 6, 7, 8, 9, 10, 11, 12, and 13, respectively.

This amendment deletes section 6 of the bill because it duplicates section 3. This amendment also deletes section 8 of the bill because HB 436 (Chapter 319) inserted an identical section which has already taken effect.

The amendment rennumbers the remaining sections and corrects certain internal references.

Adopted.

The Speaker addressed the House briefly.

PERSONAL PRIVILEGE

Reps. Rounds and Chambers addressed the House under personal privilege.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Friday, June 28 at 10:00 a.m.

Adopted.

LATE SESSION

PERSONAL PRIVILEGE

Rep. Parks addressed the House under personal privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 2:31 p.m.

RECESS

(Speaker in the Chair)

ENROLLED BILLS REPORT

SB 225, relative to state employee and judicial salaries and making an appropriation therefor.

Sen. John P. H. Chandler

Rep. Chris Jacobson

For the Committee.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

HOUSE JOURNAL 31

Friday, 28 Jun 85

SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to permit consideration at the present time of Committee of Conference Reports and Committee Reports after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 108, An Act relative to administrative attachment of occupational and professional licensing boards, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Barbering and Cosmetologists; Health and Human Services. Amend RSA 313-A:2 by inserting after paragraph V the following new paragraph:

VI. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

2 Podiatry; Health and Human Services. Amend RSA 315 by inserting after section 1 the following new section:

315:1-a Administratively Attached. The board of podiatry shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

3 Dentists and Dentistry; Health and Human Services. Amend RSA 317-A:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

4 Pharmacy Board; Department of Health and Human Services. Amend RSA 318 by inserting after section 2 the following new section:

318:2-a Administrative Attachment. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

5 Electricians; Department of Safety. Amend RSA 319-C:4 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of safety.

6 Embalmers and Funeral Directors; Health and Human Services. Amend RSA 325:2 by inserting after paragraph III the following new paragraph:

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We pray for a just conclusion to this session, O Lord. May our actions today validate much of what we have been able to accomplish to this date. Let the bottom line of cost show the care for all peoples of our State. Be with us in our work between sessions as surely as You meet us when we are together. Thank You, Heavenly Father. Amen.

Rep. Gene Chandler led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ames, Geraldine Watson, Harold Watson, Dnaiell, Kohl, Martin and Barry, the day, illness.

Reps. Secord, Brown, Newcombe, Russell, Bernier, Bryant, M. Arnold Wight, Francis Robinson, Vartanian, Stio, Connolly, Brough, Arnesen, Michael Jones, Fried, Grip, Magoon, Reardon, Duprey, Patricia Foss and Spear, the day, important business.

Reps. Pevear and Wells, the day, illness in the family.

INTRODUCTION OF GUESTS

Jesse Weldon, grandson of Rep. Jesse Davis; former Representative William Russell, guest of the House; Dr. Douglas N. Jones, guest of Rep. Robert Jones; children from the Merrimack Valley Day Care, guests of Rep. Wallner; Martha Sanderson, daughter of Rep. Sanderson; Law and Government Advanced Study Class from St. Paul's School, guests of the House.

SENATE MESSAGE ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 289-FN, increasing the rate of the business profits tax.

The President appointed Sens. Heath, Freese and Blaisdell.

HB 189-FN, relative to the tax on the transfer of real property.

The President appointed Sens. Heath, Bond and Blaisdell.

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

7 Board of Registration in Optometry; Department of Health and Human Services. Amend RSA 327:2 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

8 Board of Registration in Medicine; Health and Human Services. Amend RSA 329:2 by inserting after paragraph II the following new paragraph:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

9 Plumbers Board; Water Supply and Pollution Control Commission. Amend RSA 329-A:3 by inserting after paragraph II the following new paragraph:

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the water supply and pollution control commission.

10 Psychologists; Health and Human Services. Amend RSA 330-A by inserting after section 3 the following new section:

330-A:3-a Administrative Attachment. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

11 Veterinary Board; Agriculture. Amend RSA 332-B:3 by inserting after paragraph III the following new paragraph:

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of agriculture.

12 Nursing Home Administrators; Health and Human Services. Amend RSA 151-A:3 by inserting after paragraph V the following new paragraph:

VI. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

13 Implementation. In the interim period between the effective date of this act and June 30, 1987, the individual boards and the commissioners or other heads of the departments to which they have become administratively attached shall consult and determine the best, most appropriate and most economical method of providing service to each board and shall prepare budgets for each board so that each department will be fully reimbursed for services rendered to each board on a cost allocation basis. It is the intent of this act that the administrative attachment and servicing of the boards by the agencies to which they are attached shall insure the greatest economy possible and shall insure the greatest access to the boards for the licensees and the general public.

14 Reference Corrected. Amend RSA 5:13 by striking out said section and inserting in place thereof the following:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy, the

board of chiropractic examiners, and the joint board of engineers, architects, and land surveyors shall each function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

15 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. Freese, Dist. 4 and Sen. St. Jean, Dist. 20.

Conferees on the Part of the House:

Rep. Ward, Graf. 1; Rep. Mace, Rock. 21; Rep. Holmes, Carr. 3 and Rep. Russell, Ches. 17.

Rep. Ward explained the report.
Report adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 600, making appropriations for capital improvements.

COMMITTEE OF CONFERENCE REPORT

HB 600, making appropriations for capital improvements. (Report printed SJ 6/20)

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the report.

Rep. Bibbo explained the report and yielded to questions.

Rep. James Chandler spoke against the report.

Rep. James J. White spoke in favor of the report.

A division was requested.

239 members having voted in the affirmative and 45 in the negative, the report was adopted.

Rep. Paul Johnson notified the Clerk that he wished to be recorded against the Sugar River Basin Section in HB 600.

Rep. Rodeschin notified the Clerk that she wished to be recorded against Section C-9 Water Resources in HB 600.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986 and June 30, 1987.

COMMITTEE OF CONFERENCE REPORT

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986 and June 30, 1987. (Report printed SJ 6/28)

Rep. Kidder explained the report and yielded to questions.

Reps. Walter Robinson, Michael King and Chambers spoke against the report.

Reps. Joseph Eaton, John Burns and Tamposi spoke in favor of the report.

Reps. Scamman and Rounds spoke in favor of the report and yielded to questions.

Rep. Scranton yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 234 NAYS 111

YEAS 234

BELKNAP: Birch, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington, Hawkins, Holbrook, Jensen, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Davis, Delano, Irvin Gordon, Grodin, Elmer Johnson, Miller, Morse, Parker, Perry, Ramsay, Ridge, Scranton and Thompson.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Marsh, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Christy, Driscoll, Easton, LaMott, Mann, McAvoy, Rounds, Scanlan, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Beaupre, Robert Blanchette, Boisvert, Lionel Boucher, Boutwell, Bridgewater, John Burns, Carragher, Chretien, Cox, Crotty, Ducharme, Dykstra, Clyde Eaton, Joseph Eaton, Nancy Ford, Scott Green, Marian Harrington, Hogan, Holden, Humphrey, Jasper, George Jones, Keefe, Kelley, Knight, Labombarde, Levesque, Lown, Lozeau, Howard Mason, Messier, Elizabeth Moore, Nute, Bonnie Packard, Pappas, Perham, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Van Loan, Varkas, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Lucille Wood and Worthen.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailier, Cate, James Chandler, Fraser, Gilbreth, Gross, Hager, Hayes, Mary Holmes, C. William Johnson, Kidder, Kinhan, Lewis, Millard, Nichols, Phelps, Doris Riley, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, West and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Butler, Marilyn Campbell, Clay, Conroy, Day, Emanuelson, Felch, Flanagan, Bert Ford, Beverly Gage, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Mace, Malcolm, Robert Mason, McCain, McKinney, Nagel, Palumbo, Parr, Quimby, Raynowska, Norman Rogers, Romoli, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Stachowske, Tufts, Walker, Warburton and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Chamberlin, Dingle, Anita Flynn, Edward Flynn, Hussey, Robert Jones, Kincaid, Lussier, Meader, Musler, Parks, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Call, Domini, Ingram, Paul Johnson, McKee, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 111

BELKNAP: Bolduc, Bowler and Matthew Locke.

CARROLL: None.

CHESHIRE: Burley, Crane, Daniel Eaton, Frink, Matson, William Riley, Schwartz, William Sullivan and Young.

COOS: Lamontagne and Mayhew.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Michael King and Stewart.

HILLSBOROUGH: Bergeron, Bourdon, Bourque, Burkush, Leslie Burns, Champagne, Charron, Clancy, Cote, Cronin, William Dion, Donovan, Duperron, Durant, Dwyer, Fields, Gagnon, Healy, Hendrick, Herod, Hyman, Chris Jacobson, Lamy, McCue, McGlynn, Morrisette, Murphy, Nelson, O'Rourke, Paquette, Paradis, Parmenter, Pellow, Pressly, Prestipino, Raiche, Reidy, Frances Riley, Philip Rodgers, Turgeon, Vanderlosk, Wagner, Winn and Zis.

MERRIMACK: George Gordon, Alf Jacobson, Jolley, Arthur Locke, Pannell, Pantzer, Rehlander, Walter Robinson and Wallner.

ROCKINGHAM: Bangs, Blanchard, Patti Blanchette, Burdick, Case, Lawrence Chase, Connors, Ellyson, Flanders, Hollingworth, Krasker, Lovejoy, Joseph MacDonald, Newman, Pantelakos, Popov, Rosencrantz, Sanderson, Splaine, Vaughn and Welch.

STRAFFORD: Burton, Callahan, Diamant, Albert Dionne, Donnelly, Frechette, Keans, O'Brien, Bruce Packard, Pelley and Henry Sullivan.

SULLIVAN: Brodeur, D'Amante, Disnard, Lindblade and Normandin, and the report was adopted.

Rep. James J. White notified the Clerk that he wished to be recorded in favor of the Committee report on HB 400.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 189-FN, relative to the tax on the transfer of real property.

COMMITTEE OF CONFERENCE REPORT

HB 189-FN, relative to the tax on the transfer of real property. (Report printed SJ 6/28)

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the report.

Rep. Robert Jones explained the report.
Report adopted.

SENATE MESSAGE
ADOPTION OF COMMITTEE OF
CONFERENCE REPORT

HB 289-FN, increasing the rate of the
business profits tax.

COMMITTEE OF CONFERENCE REPORT

HB 289-FN, increasing the rate of the
business profits tax. (Report printed SJ
6/28)

Rep. Robert Jones explained the report
and yielded to questions.

Reps. Matson, Michael King and Krasker
spoke against the report.

Rep. James J. White spoke to the report.

Reps. Sara Townsend and Rounds spoke in
favor of the report.

Rep. Chardon moved the previous
question. Sufficiently seconded. Adopted.

Rep. Chambers requested a roll call.
Sufficiently seconded.

(Speaker presiding)

YEAS 223 NAYS 119

YEAS 223

BELKNAP: Birch, Bowler, Richard Campbell,
Dexter, Golden, Hardy, Malcolm Harrington,
Hawkins, Holbrook, Matthew Locke, Pearson,
Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Russell Chase,
Dickinson, Robert Holmes, Kenneth MacDonald,
Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Davis, Irvin Gordon, Grodin,
Elmer Johnson, Miller, Morse, Parker, Perry,
Ramsay, Ridge, Scranton and Thompson.

COOS: Brungot, Harold Burns, Chardon,
Frederic Foss, Horton, Marsh, Mayhew,
Ottolini and Theriault.

GRAFTON: Bean, Bennett, Blair, Christy,
Driscoll, Easton, LaMott, Mann, Rounds,
Scanlan, Taffe, Howard Townsend, Wadsworth,
Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass,
Beaupre, Bergeron, Robert Blanchette,
Boisvert, Boutwell, Bridgewater, John Burns,
Carragher, Chretien, Cox, Cronin, Duperron,
Joseph Eaton, Nancy Ford, Scott Green,
Marian Harrington, Hogan, Holden, Humphrey,
Jasper, George Jones, Keefe, Kelley, Lown,
Lozeau, Howard Mason, Messier, Elizabeth
Moore, Murphy, Nute, Bonnie Packard, Pappas,
Perham, Prestipino, Ellen-Ann Robinson,
Sallada, Shriver, B. P. Smith, Leonard
Smith, Steiner, Sylvia, Tamposi, Van Loan,
Varkas, Emma Wheeler, Kenneth Wheeler, Frank
Whittemore and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Barberia,
Bardsley, Bibbo, Laurent Boucher, Bowes,
Cailler, Cate, James Chandler, Fraser,
Gilbreth, George Gordon, Gross, Hager,
Hayes, Mary Holmes, Alf Jacobson, C. William
Johnson, Kidder, Kinhan, Lewis, Pannell,

Rehlander, Doris Riley, Linwood Rogers,
Savaria, Shepard, Gerald R. Smith, West and
James Whittemore.

ROCKINGHAM: Bangs, Benton, Blaisdell,
William Boucher, Burdick, Butler, Marilyn
Campbell, Clay, Conroy, Day, Emanuelson,
Felch, Flanagan, Flanders, Bert Ford,
Beverly Gage, Thomas Gage, Goss, Courdeau,
Elizabeth Greene, Haynes, Hoar, Robert
Johnson, Joslyn, Kane, George Katsakiores,
Phyllis Katsakiores, Roger King, Longworth,
Lovejoy, Mace, Malcolm, Robert Mason,
McCain, McKinney, Palumbo, Parr, Quimby,
Raynowska, Norman Rogers, Romoli, Scamman,
Schmidtchen, Schwaner, Seward, Skinner,
Sloan, Sochalski, Stachowske, Tufts, Walker
and Woodward.

STRAFFORD: Appleby, Bates, Berkey,
Chamberlin, Dingle, Anita Flynn, Edward
Flynn, Robert Jones, Keans, Kincaid,
Lussier, Meader, Musler, Parks, Swope, Ann
Torr and Franklin Torr.

SULLIVAN: Call, D'Amante, Disnard, Domini,
Ingram, Paul Johnson, Lindblade, Mehegan,
Rodeschin, Schotanus, Spaulding and Sara
Townsend.

NAYS 119

BELKNAP: Bolduc and Jensen.

CARROLL: Gene Chandler.

CHESHIRE: Arnott, Blacketor, Burley, Crane,
Delano, Daniel Eaton, Frink, Matson, William
Riley, Schwartz, William Sullivan and Young.

COOS: Brideau, Chappell, Coulombe, Guay,
Lamontagne and York.

GRAFTON: Chambers, Copenhaver, Crory,
Densmore, Michael King, McAvoy and Stewart.

HILLSBOROUGH: Lionel Boucher, Bourdon,
Bourque, Burkush, Leslie Burns, Champagne,
Charron, Clancy, Cote, Crotty, William Dion,
Donovan, Ducharme, Durant, Dwyer, Dykstra,
Fields, Gagnon, Healy, Hendrick, Herod,
Hyman, Chris Jacobson, Labombarde, Lamy,
Levesque, McCue, McGlynn, Morrisette,
Nelson, O'Rourke, Paquette, Parmenter,
Pellow, Pressly, Raiche, Reidy, Frances
Riley, Philip Rodgers, Stonner, Mary
Sullivan, Turgeon, Vanderlosk, Wagner, Winn,
Worthen and Zis.

MERRIMACK: Jelley, Arthur Locke, Millard,
Nichols, Pantzer, Phelps, Walter Robinson
and Wallner.

ROCKINGHAM: Blanchard, Patti Blanchette,
Case, Lawrence Chase, Connors, Ellyson,
Hollingsworth, Krasker, Joseph MacDonald,
Nagel, Newman, Pantelakos, Popov,
Rosencrantz, Sanderson, Sherburne, Simon,
Splaine, Vaughn, Warburton and Welch.

STRAFFORD: Bernard, Burton, Callahan,
Diament, Albert Dionne, Donnelly, Frechette,
Hussey, O'Brien, Bruce Packard, Pelley and
Henry Sullivan.

SULLIVAN: Brodeur, McKee and Normandin, and the report was adopted.

(Rep. Rounds in the Chair)

PERSONAL PRIVILEGE

Rep. Tucker addressed the House under Personal Privilege.

(Speaker in the Chair)

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 619, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

COMMITTEE OF CONFERENCE REPORT

HB 619, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax. (Report printed SJ 6/28)

Report adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 539, relative to the protection of sand dunes.

COMMITTEE OF CONFERENCE REPORT

HB 539, relative to the protection of sand dunes. (Report printed SJ 6/28)

Rep. Elizabeth Greene explained the report.

Report adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 373, relative to terms of appointment and administratively attached agencies.

COMMITTEE OF CONFERENCE REPORT

HB 373, relative to terms of appointment and administratively attached agencies. (Report printed SJ 6/28)

Report adopted.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police.

COMMITTEE OF CONFERENCE REPORT

HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police. (Report printed SJ 6/28)

Rep. Rounds explained the report and yielded to questions.
Report adopted.

COMMITTEE OF CONFERENCE REPORT

SB 102, relative to the fiscal committee.

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fiscal Committee. Amend RSA 14:30-a as inserted by 1965, 239:19 by striking out said section and inserting in place thereof the following:

14:30-a Committee.

I. There is hereby established a fiscal committee of the general court. The committee shall consist of 9 members: 5 shall be members of the house appropriations committee, whose chairman shall be one of the members, and the chairman shall appoint the other 4 members; 4 shall be members of the senate finance committee, whose chairman shall be one of the members, and the chairman shall appoint the other 3 members. At least one house member and one senate member shall be a member of the minority party.

II. The fiscal committee shall, while the general court is in session and during the interim, consult with, assist, advise, and supervise the work of the legislative budget assistant and may, at its discretion, investigate and consider any matter relative to the appropriations, expenditures, finances, revenues or any of the fiscal matters of the state.

III. The members shall be paid the regular legislative mileage during the interim while engaged in their work as members of said committee.

2 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sen. White, Dist. 11; Sen. Hounsell, Dist. 2 and Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House:

Rep. Kidder, Merr. 2; Rep. Scranton, Ches. 16; Rep. LaMott, Graf. 5 and Rep. Matson, Ches. 7.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the report.

Rep. LaMott moved that the Committee of Conference Report on SB 102 be laid upon the table.

Adopted.

VETO MESSAGE ON HB 544

To All Members of the General Court

I have vetoed HB 544, relative to water improvement bonds issued by the City of Rochester and to electing 5 commissioners in village districts within the towns of Merrimack and Hooksett.

Subsequent to review of HB 544 it was determined that if it were to become law and the City of Rochester were to avail itself of the provisions included therein, an increase in the state's contingent debt liability would result, and as such the standing of the state as perceived by the financial community would be negatively affected.

In an effort to avoid this consequence to the state and yet facilitate the Rochester project, which is of significant import to the city, an alternative with enhanced financial benefit to the City was developed. This alternative has been provided in HB 545, which I have signed into law. The City of Rochester intends to utilize this alternative and has indicated such to me.

It is unfortunate that an amendment authorizing the election of 5 commissioners in village districts within the Towns of Merrimack and Hooksett was included in this particular bill. The House member responsible for this amendment has been contacted and it has been explained that my veto is not a response to this portion of the bill. It is my understanding that this particular amendment will be implemented in other legislation either in this session or the next and I will support that change.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 544 pass.

(Speaker presiding)

YEAS 16 NAYS 325

YEAS 16

BELKNAP: Bolduc.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Boisvert, Clancy, Hendrick, Howard Mason, Messier, O'Rourke and Ellen-Ann Robinson.

MERRIMACK: Pannell.

ROCKINGHAM: Rosencrantz.

STRAFFORD: Berkey, Bernard, Callahan, Hussey, Laurion and Pelley.

SULLIVAN: None.

NAYS 325

BELKNAP: Birch, Bowler, Richard Campbell, Dexter, Golden, Hardy, Malcolm Harrington,

Hawkins, Holbrook, Jensen, Matthew Locke, Pearson, Randall, James J. White and Zeckhausen.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Dickinson, Robert Holmes, Kenneth MacDonald, Olimpio, Powers, Saunders and Schofield.

CHESHIRE: Arnott, Blacketer, Burley, Crane, Davis, Delano, Daniel Eaton, Frink, Irvin Gordon, Grodin, Elmer Johnson, Matson, Miller, Morse, Parker, Perry, Ramsay, Ridge, William Riley, Schwartz, Scranton, William Sullivan, Thompson and Young.

COOS: Brideau, Brungot, Harold Burns, Chappell, Chardon, Coulombe, Frederic Foss, Guay, Horton, Lamontagne, Marsh, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Michael King, LaMott, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Beaupre, Bergeron, Robert Blanchette, Lionel Boucher, Bourdon, Bourque, Boutwell, Bridgewater, Burkush, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Cote, Cox, Cronin, Crotty, William Dion, Donovan, Ducharme, Duperron, Durant, Dwyer, Dykstra, Joseph Eaton, Fields, Nancy Ford, Gagnon, Scott Green, Marian Harrington, Healy, Herod, Hogan, Holden, Humphrey, Hyman, Chris Jacobson, Jasper, George Jones, Keefe, Kelley, Labombarde, Lamy, Levesque, Lown, Lozeau, McCue, McGlynn, Elizabeth Moore, Morrisette, Murphy, Nelson, Nute, Bonnie Packard, Pappas, Paquette, Paradis, Parmenter, Pellow, Perham, Pressly, Prestipino, Raiche, Reidy, Frances Riley, Philip Rodgers, Sallada, Shriver, B. P. Smith, Leonard Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Varkas, Wagner, Emma Wheeler, Kenneth Wheeler, Frank Whittmore, Winn, Lucille Wood, Worthen and Zis.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Bibbo, Laurent Boucher, Bowes, Cailier, Cate, James Chandler, Fraser, Gilbreth, George Gordon, Gross, Hager, Hayes, Mary Holmes, Alf Jacobson, Jolley, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pantzer, Phelps, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard, Gerald R. Smith, Wallner, West and James Whittmore.

ROCKINGHAM: Bangs, Benton, Blaisdell, Blanchard, Burdick, Butler, Marilyn Campbell, Case, Lawrence Chase, Clay, Connors, Conroy, Day, Ellyson, Emanuelson, Felch, Flanagan, Flanders, Bert Ford, Beverly Gage, Thomas Gage, Coss, Gourdeau, Elizabeth Greene, Haynes, Hoar, Hollingworth, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Krasker, Longworth, Lovejoy,

Joseph MacDonald, Mace, Malcolm, McCain, McKinney, Nagel, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Sanderson, Scamman, Schmidtchen, Schwaner, Seward, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stachowske, Sytek, Tufts, Vaughn, Walker, Warburton, Welch and Woodward.

STRAFFORD: Appleby, Bates, Burton, Chamberlin, Diamant, Dingle, Albert Dionne, Donnelly, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Kincaid, Lussier, Meader, Musler, O'Brien, Bruce Packard, Parks, Henry Sullivan, Swope, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Paul Johnson, Lindblade, McKee, Mehegan, Normandin, Rodeschin, Schotanus, Spaulding and Sara Townsend, and the Governor's veto was sustained lacking the Constitutional requirement of two-thirds.

COMMITTEE REPORTS

SB 226, authorizing cities and towns to borrow for certain planning costs. Ought to Pass.

This bill allows municipalities and counties to issue bonds and notes for planning and other preliminary expenses relating to Solid Waste Disposal or Resource Recovery Facilities. Language is included to clearly state such bonds or notes do not constitute "private activity bonds." Vote 17-0. Rep. George M. West for Municipal and County Government.

Ordered to third reading.

SB 224, relative to special plates for former prisoners of war. Ought to Pass. This is enabling legislation granting option to a city or town to recognize the merits of a prisoner of war. Vote 11-6. Rep. Paul A. Golden for Municipal and County Government.

Ordered to third reading.

SB 223, relative to retirement benefits for certain legislative and constitutional officers. Inexpedient to Legislate.

SB 223 came directly to Appropriations without prior referral to a policy committee. It was also introduced late, and under suspension of the rules. The bill received no hearing in the Senate, but a House hearing was held by the full committee on June 13 and a second in subcommittee on June 14. Several work sessions followed at which all those involved made a good faith effort to create an acceptable version of the bill. Largely because of time constraints, the Committee could not agree on a final form of the bill. And because Appropriations does not have the interim study option, SB 223 was finally reported Inexpedient to Legislate by an 11-8 vote.

A motion will be made on the floor to send SB 223 to interim study. This will provide the time to work out the problems with this bill and still permit action to be taken in this biennium. Such study is important to determine such matters as the cost of the program, constitutional constraints pertaining to pensions and transfers between this retirement program and others. All these and other questions can be answered, but not within the time available to the Committee. Vote 11-8. Rep. William F. Kidder for Appropriations.

Rep. Kidder moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Michael King and Chambers spoke against the motion.

Reps. Ramsay, Sytek, Howard Townsend and Ward spoke in favor of the motion.

Reps. Russell Chase, Hawkins and Newman spoke against the motion and yielded to questions.

Rep. Gross spoke in favor of the motion and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Daniel Eaton requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 213 NAYS 132
YEAS 213

BELKNAP: Birch, Bolduc, Bowler, Richard Campbell, Dexter, Malcolm Harrington, Holbrook, Jensen, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Gene Chandler, Dickinson, Robert Holmes, Olimpio, Powers and Schofield.

CHESHIRE: Arnott, Crane, Davis, Delano, Irvin Gordon, Grodin, Elmer Johnson, Parker, Perry, Ramsay, Ridge, Scranton, Thompson and Young.

COOS: Brungot, Chappell, Chardon, Frederic Foss and Marsh.

GRAFTON: Bean, Christy, Driscoll, Easton, McAvoy, Rounds, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Blais, Robert Blanchette, Lionel Boucher, Bourdon, Boutwell, Bridgewater, John Burns, Leslie Burns, Carragher, Champagne, Charron, Chretien, Cox, Crotty, Donovan, Ducharme, Duperron, Joseph Eaton, Fields, Nancy Ford, Gagnon, Marian Harrington, Herod, Hogan, Holden, Humphrey, Hyman, Jasper, George Jones, Keefe, Kelley, Labombarde, Lown, Lozeau, Howard Mason, McCue, Messier, Elizabeth Moore, Nute, Bonnie Packard, Paquette, Paradis, Pariseau, Pellow, Perham, Prestipino, Frances Riley, Philip Rodgers, Shriver, B. P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Turgeon, Van Loan, Vanderlosk, Emma Wheeler, Kenneth Wheeler, Frank Whittemore, Lucille Wood and Worthen.

MERRIMACK: Allgeyer, Anderson, Barberia, Bardsley, Laurent Boucher, Bowes, Cailler, Cate, Gilbreth, George Gordon, Gross, Hager, Mary Holmes, Alf Jacobson, C. William Johnson, Kidder, Kinhan, Lewis, Arthur Locke, Millard, Nichols, Pannell, Rehlander, Doris Riley, Roberts, Linwood Rogers, Savaria, Shepard and Gerald R. Smith.

ROCKINGHAM: Bangs, Benton, Blanchard, Butler, Marilyn Campbell, Case, Clay, Conroy, Ellyson, Felch, Flanagan, Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Longworth, Lovejoy, Mace, McCain, McKinney, Parr, Popov, Quimby, Norman Rogers, Romoli, Seward, Sherburne, Simon, Sytek, Tufts, Vaughn, Walker, Welch and Woodward.

STRAFFORD: Appleby, Berkey, Burton, Chamberlin, Anita Flynn, Edward Flynn, Frechette, Hussey, Robert Jones, Keans, Lussier, Meader, Parks, Pelley, Henry Sullivan, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Disnard, Domini, Ingram, Paul Johnson, McKee, Mehegan, Rodeschin, Schotanus, Spaulding and Sara Townsend.

NAYS 132

BELKNAP: Golden, Hardy, Hawkins and James J. White.

CARROLL: Ashnault, Russell Chase, Kenneth MacDonald and Saunders.

CHESHIRE: Blacketer, Burley, Daniel Eaton, Frink, Matson, Miller, Morse, William Riley, Schwartz and William Sullivan.

COOS: Brideau, Harold Burns, Coulombe, Guay, Horton, Lamontagne, Mayhew, Ottolini, Theriault and York.

GRAFTON: Bennett, Blair, Chambers, Copenhaver, Crory, Densmore, Michael King, LaMott, Mann and Scanlan.

HILLSBOROUGH: Bass, Beaupre, Bergeron, Boisvert, Bourque, Burkush, Clancy, Cote, Cronin, William Dion, Durant, Dwyer, Dykstra, Clyde Eaton, Scott Green, Healy, Hendrick, Chris Jacobson, Lamy, Levesque, McGlynn, Morrisette, Murphy, Nelson, O'Rourke, Pappas, Parmenter, Pressly, Raiche, Reidy, Ellen-Ann Robinson, Sallada, Stonner, Mary Sullivan, Varkas, Wagner, Winn and Zis.

MERRIMACK: Bibbo, James Chandler, Fraser, Jelley, Pantzer, Phelps, Walter Robinson, Wallner, West and James Whittemore.

ROCKINGHAM: Blaisdell, Burdick, Lawrence Chase, Connors, Day, Emanuelson, Beverly Gage, Hoar, Hollingworth, Phyllis Katsakiores, Roger King, Krasker, Joseph MacDonald, Malcolm, Robert Mason, Nagel, Newman, Palumbo, Pantelakos, Raynowska, Rosencrantz, Sanderson, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Splaine, Stachowske and Warburton.

STRAFFORD: Bates, Bernard, Callahan, Diamant, Dingle, Albert Dionne, Donnelly, Kincaid, Laurion, Musler, O'Brien, Bruce Packard and Swope.

SULLIVAN: Call and Lindblade, and the motion was adopted.
SB 223 was referred for Interim Study.

SUSPENSION OF RULES

Rep. Bean moved that the Rules be so far suspended as to permit consideration at the present time of HR 43, without introduction, referral, public hearing and the required notice in the Calendar, after the deadline, spoke to her motion and yielded to questions.

Reps. Scamman and Rounds spoke in favor of the motion.
Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 43

relative to child abuse victims.

WHEREAS, the Senate Select Committee on Child Abuse has conducted a study of the participation of child victims in the judicial process, and

WHEREAS, the select committee has found that the process of investigating and prosecuting crimes against children often has traumatic effects on child victims and their families, and

WHEREAS, the select committee has also found that the interests of the state of New Hampshire in obtaining convictions of those who commit crimes against children do not always coincide with the interests of child victims, and

WHEREAS, the House Committee on Children, Youth and Elderly Affairs concurs with the findings of the Senate Select Committee on Child Abuse, now therefore be it

RESOLVED, by the House of Representatives that the House of Representatives of the state of New Hampshire does hereby urge the New Hampshire Supreme Court to adopt rules to ensure that guardians ad litem are appointed for all child witnesses who may suffer emotional strain during the judicial process.

The Clerk read the resolution.

Rep. Sylvia spoke against the resolution and yielded to questions.
Adopted.

SUSPENSION OF RULES

Rep. Howard Mason moved that the Rules be so far suspended as to permit consideration at the present time of HCR 13, without introduction, referral, public hearing and the required notice in the Calendar, after the deadline, and spoke to his motion.

Reps. Parr, Rounds and Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

HOUSE CONCURRENT RESOLUTION NO. 13

expressing the support of the general court for the work being done by the United States Senate Subcommittee on aging and Senate Bill 174 providing for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia.

WHEREAS, Alzheimer's disease is a mentally debilitating affliction that each year claims the minds of thousands of Americans, and

WHEREAS, Alzheimer's disease is irreversible and not totally understood by the medical world, and

WHEREAS, research needs to be supported in order to gain insight into the causes and treatments of Alzheimer's disease, and

WHEREAS, the Senate of the United States has introduced legislation that would provide for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia, and

WHEREAS, the establishment of these centers would benefit thousands of Americans stricken by Alzheimer's disease, now therefore, be it

RESOLVED, by the House of Representatives, the Senate concurring that the general court vigorously supports the United States Senate and its subcommittee on aging in its work developing legislation to be approved by the United States Congress and the President, thus enabling continued and financially supported study and treatment of Alzheimer's disease and related dementia, and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the chairman, Senate Subcommittee on Aging, the sponsor of Senate Bill 174, the Secretary of Health and Human Services, and the United States Senators from New Hampshire.

The Clerk read the resolution.

Reps. Sochalski and Sara Townsend spoke in favor of the resolution.

Adopted.

RECONSIDERATION

Rep. Diament moved that the House reconsider its action whereby it adopted the Committee of Conference Report on HB 189, relative to the tax on the transfer of real property, spoke to his motion and requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 119 NAYS 223
YEAS 119

BELKNAP: Bolduc, Bowler, Malcolm Harrington, Hawkins, James J. White and Zeckhausen.

CARROLL: Dickinson, Robert Holmes, Saunders and Schofield.

CHESHIRE: Arnott, Burley, Daniel Eaton, Frink, Matson, William Riley, Schwartz, William Sullivan, Thompson and Young.

COOS: Brideau, Coulombe, Guay, Lamontagne, Mayhew and Ottolini.

GRAFTON: Chambers, Copenhaver, Crory, Denmore, Michael King and LaMott.

HILLSBOROUGH: Arnold, Blais, Bourdon, Bourque, Burkush, Leslie Burns, Charron, Clancy, Cote, Cronin, William Dion, Donovan, Durant, Dykstra, Fields, Nancy Ford, Scott Green, Marian Harrington, Hogan, Hyman, Jasper, Lamy, Lown, McGlynn, Morrisette, Nelson, O'Rourke, Bonnie Packard, Paradis, Parmenter, Pellow, Pressly, Raiche, Reidy, Philip Rodgers, Leonard Smith, Van Loan, Wagner, Frank Whittemore, Winn and Zis.

MERRIMACK: Allgeyer, Barberia, Bardsley, James Chandler, George Gordon, C. William Johnson, Arthur Locke, Millard, Nichols, Pannell, Phelps, Robert, Wallner and James Whittemore.

ROCKINGHAM: Blanchard, Lawrence Chase, Connors, Conroy, Flanagan, Hoar, Hollingworth, Krasker, Joseph MacDonald, Malcolm, Benjamin Moore, Newman, Patelakos, Sanderson, Schmidtchen, Sloan, Vaughn and Welch.

STRAFFORD: Burton, Callahan, Chamberlin, Diament, Donnelly, Hussey, Kincaid, Laurion, Lussier, O'Brien, Bruck Packard and Peiley.

SULLIVAN: Paul Johnson and Spaulding.

NAYS 223

BELKNAP: Birch, Richard Campbell, Dexter, Golden, Hardy, Holbrook, Jensen, Matthew Locke, Pearson and Randall.

CARROLL: Ashnault, Gene Chandler, Russell Chase, Kenneth MacDonald, Olimpio and Powers.

CHESHIRE: Blacketor, Crane, Davis, Delano, Irvin Gordon, Grodin, Elmer Johnson, Morse, Perry, Ramsay, Ridge and Scranton.

COOS: Brungot, Harold Burns, Chappell, Chardon, Frederic Foss, Horton, Marsh, Theriault and York.

GRAFTON: Bean, Bennett, Blair, Christy, Driscoll, Easton, Mann, McAvoy, Rounds, Scanlan, Stewart, Taffe, Howard Townsend, Wadsworth, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Beaupre, Bergeron, Robert Blanchette, Boisvert, Lionel Boucher, Boutwell, Bridgewater, John Burns, Carragher, Champagne, Chretien, Cox, Crotty, Ducharme, Duperron, Dwyer, Clyde Eaton, Joseph Eaton, Gagnon, Hendrick, Herod, Holden, Humphrey, Chris Jacobson, George Jones, Keefe, Kelley, Labombarde, Levesque, Lozeau, Howard Mason, McCue, Messier, Elizabeth Moore, Murphy, Nute, Pappas, Paquette, Pariseau, Pernam, Prestipino, Frances Riley, Ellen-Ann Robinson, Sallada, Shriver, B. P. Smith, Steiner, Stonner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Vanderlosk, Varkas, Emma Wheeler, Kenneth Wheeler, Lucille Wood and Worthen.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Cailler, Cate, Fraser, Gilbreth, Gross, Hager, Mary Holmes, Alf Jacobson, Jelley, Kidder, Kinhan, Lewis, Pantzer, Rehlander, Doris Riley, Walter Robinson, Linwood Rogers, Savaria, Shepard and West.

ROCKINGHAM: Bangs, Benton, Blaisdell, William Boucher, Burdick, Butler, Marilyn Campbell, Case, Clay, Day, Ellyson, Emanuelson, Felch, Flanders, Bert Ford, Thomas Gage, Goss, Gourdeau, Elizabeth Greene, Haynes, Robert Johnson, Joslyn, Kane, George Katsakiores, Phyllis Katsakiores, Roger King, Longworth, Lovejoy, Mace, Robert Mason, McCain, McKinney, Nagel, Palumbo, Parr, Popov, Quimby, Raynowska, Norman Rogers, Romoli, Rosencrantz, Scamman, Schwaner, Seward, Sherburne, Simon, Skinner, Sochalski, Splaine, Stachowske, Sytek, Tufts, Walker, Warburton and Woodward.

STRAFFORD: Appleby, Bates, Berkey, Bernard, Dingle, Albert Dionne, Anita Flynn, Edward Flynn, Frechette, Robert Jones, Keans, Meader, Musler, Parks, Henry Sullivan, Swepe, Ann Torr and Franklin Torr.

SULLIVAN: Brodeur, Call, D'Amante, Disnard, Domini, Ingram, Lindblade, McKee, Meghan, Rodeschin, Schotanus and Sara Townsend, and reconsideration lost.

PERSONAL PRIVILEGE

Rep. George Gordon addressed the House under Personal Privilege.

Reps. Rounds and Chambers moved that HB 532-FN, relative to the judicial retirement system and judicial compensation, SB 222, relative to state employee and judicial salaries and making an appropriation therefor, and HB 792, relative to electing delegates to state party conventions, shall be reported Inexpedient to Legislate. Adopted.

Reps. Rounds and Chambers moved that any Legislation not disposed of by any other motion in the first-year session, by midnight on July 1 of the first-year session, shall be by this motion Indefinitely Postponed for the remainder of the biennium.

HB 306, prohibiting state funding of direct abortions.

HB 435, relative to repairing the Hampton Beach state park and the seashell at Hampton Beach and making an appropriation therefor.

HCR 6, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn.

HR 24, relative to South Africa.

SB 39, establishing that human life begins at conception.

SB 214, prohibiting abortions performed on certain minors without parental consent.

SB 102, relative to the fiscal committee.

Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when the House adjourns today, it will be in recess to the call of the Chair until midnight, 12:00 p.m., on the 30th of June for the purpose of Enrolling Reports, at which time the House will be adjourned.

Adopted.

LATE SESSION

Third reading and final passage

SB 226, authorizing cities and towns to borrow for certain planning costs.

SB 224, relative to special plates for former prisoners of war.

HCR 13, expressing the support of the general court for the work being done by the United States Senate subcommittee on aging and Senate Bill 174 providing for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia.

HR 43, relative to child abuse victims.

Reps. Rounds and Chambers moved that any bills currently in Committee of Conference, that are not otherwise disposed of, shall be by this motion found Inexpedient to Legislate on June 30th.

HB 87, providing the legislative budget assistant with access to certain records.

HB 106, relative to sunset review of the office of state negotiator.

HB 108, relative to sunset review of personnel department, administrative support division.

HB 241, eliminating the hydro-energy power promotion functions of the water resources board.

HB 305, authorizing the barbering and cosmetology board to set fines.

HB 632, establishing a printed materials revolving fund at the department of education.

HB 659, creating a committee to study the recodification of the New Hampshire workers' compensation laws.

HB 698, relative to court administration.

HB 704, requiring the state treasurer to report annually to the legislature about early debt redemption.

SB 14, to allow the annulment of a record of an arrest which results in a not guilty finding.

SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances.

SB 143, relative to mandatory sentences for driving while intoxicated.

SB 145, relative to the regulation of mortgage companies.

SB 221, relative to the Upham-Walker house.

Adopted.

Reps. Rounds and Chambers moved that the House stand in recess to the call of the Chair, for Enrolling Reports only, until 12:00 p.m., June 30, at which time the House will be adjourned.

Adopted.

The House recessed at 2:20 p.m.

RECESS

(Speaker in the Chair)

ENROLLED BILLS REPORT

HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986 and June 30, 1987.

Rep. James A. Chandler
Sen. Mark Hounsell
For the Committee.

ENROLLED BILLS AMENDMENTS

HB 539, relative to the protection of sand dunes.

Amendment

Amend section 3 of the bill by striking out line 1 and inserting in place thereof the following:

3 Additional Penalty. Amend RSA 483-A by inserting after section 5-a the

Amend section 3 of the bill by striking out line 3 and inserting in place thereof the following:

483-A:5-b Additional Penalty. State and local law enforcement

HB 657 (Chapter 274) inserted RSA 483-A:5-a, so this amendment is required to provide a new section number.

Adopted.

HB 383-FN, making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

making appropriations for regional vocational students, regional vocational centers, educational financial aid, and the payment of debt service for school construction and relative to expenses for out-of-state travel and sweepstakes fund distribution.

This amendment amends the title of the bill to reflect the Committee of Conference Report.

Adopted.

HB 440-FN, relative to sovereign immunity.

Amendment

Amend section 10 of the bill by striking out line 4.

Amend RSA 541-B:14, IV as inserted by section 11 of the bill by striking out line 5 and inserting in place thereof the following:

the alleged injury or property damage sustained by the claimant.

Amend RSA 541-B:19, I(c) as inserted by section 13 of the bill by striking out line 2 and inserting in place thereof the following:

failure to exercise or perform a discretionary executive or planning

This amendment corrects 2 grammatical errors in the bill and deletes a superfluous section heading.

Adopted.

HB 189-FN, relative to the tax on the transfer of real property.

Amendment

Amend section one of the bill by striking out lines 7, 8 and 9.

Amend section 2 of the bill by striking out line 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1985.

This amendment corrects an error made by Legislative Services in the effective date when the House amended the bill, and corrects a typographical error.

Adopted.

HB 619-FN, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

Amendment

Amend RSA 71-A:37, IV(c)(1)(D) as inserted by section 2 of the bill by striking out line 3 and inserting in place thereof the following:

twelfth month of the taxable year.

Amend RSA 77:18-b as inserted by section 4 of the bill by striking out line 4 and inserting in place thereof the following:

penalty or late payment charge may be imposed for failure to file the return

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 New Paragraph Reference. Amend RSA 21-J:32, I as inserted by 1985, 204:1 by striking out said paragraph and inserting in place thereof the following:

I. Except as provided in paragraphs IV and VI, in the case of any underpayment of estimated tax by a taxpayer, there shall be added to the tax for the taxable year an amount determined at the rate of 1-1/4 percent per month on the amount of the underpayment for the period of the underpayment.

11 Effective Date.

I. Section 10 of this act shall take effect July 1, 1985, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage and shall apply to returns and taxes due on account of taxable periods ending after June 30, 1985.

This amendment corrects certain typographical errors in sections 2 and 4 of the bill. This amendment also incorporates a paragraph cross-reference into RSA 21-J:32 as inserted by 1985, 204.

Adopted.

HB 600, making appropriations for capital improvements.

Amendment

Amend section 36 of the bill by striking out line 2 and inserting in place thereof the following:

Development. The appropriation made by 1983, 423:1, VI, A for ski lift

Amend the bill by striking out section 39 and inserting in place thereof the following:

39 Sections Not to Take Effect.

I. Section 31 of this act shall not take effect.

II. If HB 498 of the 1985 regular legislative session becomes law, sections 18, 19, 20, 22, 36 and 37 of this act shall not take effect.

40 Effective Date. This act shall take effect upon its passage.

This amendment makes section 31 of this bill, which inserted RSA 6-A:11, ineffective. RSA 6-A:11 has already been enacted by HB 545 and has become Chapter 332. This amendment also makes other amendments already made by HB 498 ineffective if HB 498 becomes law. The

amendment also corrects a typographical error.

Adopted.

SB 108, relative to administrative attachment of occupational and professional licensing boards.

Amendment

Amend section 9 of the bill by striking out same and renumbering the original sections 10-15 to read as 9, 10, 11, 12, 13, and 14, respectively.

This amendment strikes out a section which duplicated a section already enacted by SB 64 (Chapter 286).

Adopted.

HB 249, establishing a committee to study the possibility of dismantling county government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing committees to study county government and to study sheriffs and police; and relative to court facility budget requests.

Amend paragraph IV of section 5 of the bill by striking out line 1 and inserting in place thereof the following:

IV. One designee of the New Hampshire Sheriffs Association.

Amend section 12 of the bill by striking out line 1 and inserting in place thereof the following:

12 Contingency; Court Facility Budget Request. Section 11 of this act

The committee of conference created another study committee and added a new section to the bill; so a title change is required to reflect the contents of the bill. The amendment also corrects a grammatical error and a typographical error.

Adopted.

HB 118-FN, relative to sunset review of division of legal counsel.

Amendment

Amend section 5 of the bill by striking out line 5 and inserting in place thereof the following:

prescribed by RSA 94:1-a.

Amend RSA 7:18-b, II as inserted by section 6 of the bill by striking out lines

3 and 4 and inserting in place thereof the following:

and pollution control commission, the water resources board, the air resources agency, the air resources commission, and the pesticide control board.

Amend section 8 of the bill by striking out line 4 and inserting in place thereof the following:

I. There is hereby established in the department of justice a

Amend section 9 of the bill by striking out line one and inserting in place thereof the following:

9 Compensation of Certain State Officers. Amend RSA 94:1-a, I (supp) as

Amend the bill by striking out sections 11 and 12 and inserting in place thereof the following:

11 Repeal. RSA 21-J:14, relative to agency attorneys, as inserted by 1985, 300:1, is hereby repealed.

12 Assistants. Amend RSA 21-J:3, IV (supp) as inserted by 1985, 300:1 by striking out in line one the number "5" and inserting in place thereof the following (8) so that said paragraph as amended shall read as follows:

IV. The attorney general may designate no more than 8 assistant attorneys general to serve as senior assistant attorneys general. Senior assistant attorneys general shall serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general.

13 Minimum Labor Grade Reference Inserted. Amend RSA 21-J:3, VI (supp) as inserted by 1985, 300:1 by striking out said paragraph and inserting in place thereof the following:

VI. The attorney general may appoint a law office administrator for the office of attorney general, in accordance with state personnel rules and the appropriation made for the appointment. The law office administrator shall be a classified employee and shall be classified at least at labor grade 32.

14 Unemployment Compensation. Amend RSA 21-J:13, III as inserted by 1985, 300:1 by inserting in line 4 after citation "RSA 282-A" the following (or the rules adopted under it) so that said paragraph as amended shall read as follows:

III. The commissioner of the department of employment security and all employees of that department shall give the office of the attorney general such aid and assistance as it deems necessary to investigate, prosecute and defend matters arising under RSA 282-A or the rules adopted under it.

15 Conditional Reference Changes. The references in sections 11, 12, 13 and 14 of this act to provisions of RSA 21-J shall be deemed to refer to the RSA chapter

designation determined in accordance with 1985, 300:32.

16 Duplicate Section Not to Take Effect. 1985, 300:28, relative to salaries, as inserted by HB 180 of the 1985 regular legislative session shall not take effect.

17 Effective Date.

I. Sections 11, 12, 13 and 14 of this act shall take effect July 2, 1985, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

This amendment incorporates changes made by HB 180 (chapter 300). A section of HB 180 is voided because the same provision is in this bill and would take effect on an earlier date.

Adopted.

ENROLLED BILLS REPORT

HB 373, relative to terms of appointment of commissioners and division directors.

SB 4, relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs and making an appropriation to replace a railroad bridge on the Northfield-Tilton town line.

SB 224, relative to special plates for former prisoners of war.

SB 226, authorizing cities and towns to borrow for certain planning costs.

HB 118, relative to sunset review of division of legal counsel.

HB 440, relative to sovereign immunity.

HB 383, making appropriations for regional vocational students, regional vocational centers, educational financial aid, and the payment of debt service for school construction and relative to expenses for out-of-state travel and sweepstakes fund distribution.

HB 539, relative to the protection of sand dunes.

HB 249, establishing committees to study county government and to study sheriffs and police; and relative to court facility budget requests.

HB 189, relative to the tax on the transfer of real property.

HB 619, amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.

SB 108, relative to administrative attachment of occupational and professional licensing boards.

HB 289, increasing the rate of the business profits tax.

HB 600, making appropriations for capital improvements.

Rep. James A. Chandler

Sen. Mark Hounsell

For the Committee.

Under Joint Rule 24(a), HB 225, creating the Connecticut River Valley resources authority and making an appropriation therefor, is Indefinitely Postponed.

The House adjourned.

Attest

Carl A. Peterson
House Clerk

INTERIM STUDY BILLS AND STATUTORY APPOINTMENTS

- HB 9, relative to the eminent domain powers of housing authorities.
State Institutions and Housing
- HB 17, relative to requirements for the execution and probate of wills.
Senate Judiciary
- HB 27, establishing a department of education.
Executive Departments and Administration
- HB 51, relative to the rulemaking authority of the office of waste management.
Senate Public Affairs
- HB 53, prohibiting the harassment of hunters, trappers and fishermen.
Fish and Game
- HB 76, establishing a judicial selection commission to recommend candidates
for all judicial appointments.
Judiciary
- HB 92, relative to suspension of an operator's license for nonpayment of
parking fines.
Transportation
- HB 114 (Chapter 269:7, II, Laws of 1985), SPECIAL EDUCATION INFORMATION TASK
FORCE.
Rep. Wayne Burton, Chairman (designee of the Chairman of House
Education)
Mary Stiner (designee of the Chairman of Senate Education)
Nancy Baybutt (appointed by the Governor)
Jim Griffiths (appointed by New Hampshire School Boards Association)
Bruce Ryan, Supervisor of Computer and Statistical Services of the
Department of Education
Trina Osher (designee of the Director of Special Education Bureau of
the Department of Education)
Mrs. Lee Cooper, President of New Hampshire Special Education
Administrators Association appointed by the Association (alternate:
Karen Soule)
Barbara Horton, Campton (appointed by New Hampshire Federation of the
National Council for Exceptional Children)
Lawrence Seavey, Assistant Superintendent, appointed by New Hampshire
Administrators Association
Mrs. Alden Rodgers, Concord (designee of Director of Policy and
Planning for the Department of Health and Human Services)
Edward J. Coffey, Jr. (Deputy Director of the Division of
Informational Services of the Department of Administrative Services)
Ms. Judith Raskin, Secretary, Parent Information Center
John Sheridan, Administrator of the Division for Children and Youth
Services (designee of the Director)
- HB 114 (Chapter 269:10, II, Laws of 1985), SPECIAL EDUCATION RATE SETTING
STUDY COMMITTEE.
Reps. Betty Jo Taffe, E. Jane Walker and James F. Kinhan (appointed by
the Speaker)
Sens. Mark Hounsell, Roger C. Heath and Edward C. Dupont, Jr.
(appointed by the President)
- HB 167, establishing a department of commerce.
Senate Executive Departments
- HB 168, exempting county nursing homes and county hospitals from the state
requirement of being equipped with automatic fire warning devices.
Public Protection and Veterans Affairs
- HB 173 (Chapter 299:4, Laws of 1985), establishing and making an appropriation
for the NEW HAMPSHIRE BICENTENNIAL COMMISSION ON THE UNITED STATES
CONSTITUTION. (SCR 2, 1981)
Sens. Blaisdell, Wiggins, Chandler, James R. St. Jean (appointed by
the President)
Reps. Russell C. Chase, Chairman, Joseph M. Eaton, Beverly
Hollingworth, Edna Pearl F. Parr, Vice Chairman, Natalie S. Flanagan
(appointed by the Speaker)

William M. Gardner, Secretary of State
 Deputy Attorney General Peter Mosseau
 William E. Sanborn, Deerfield; David Proper, Keene; Richard F. Upton,
 Esq., Concord; Jere R. Daniell, Hanover; Mary Louise Hancock, Concord;
 Arthur J. Moody, Hampton; David M. Nixon, Esq., New Boston; Richard L.
 Fortin, North Conway (appointed by Governor and Council)

HB 175, changing the apportionment of delegates to state party conventions
 from certain municipalities.
 Constitutional and Statutory Revision

HB 186 (Chapter 302:5, Laws of 1985), relative to home health care
 providers and making an appropriation therefor; and establishing
 renewal dates for insurance licenses. (REVIEW OF HOME HEALTH CARE
 PROVIDERS).
 Reps. Elizabeth Hager, Marion L. Copenhaver and Mary Jane Wallner
 (appointed by the Speaker)
 Sens. Eleanor P. Podles, Susan McLane, James R. St. Jean and William
 S. Bartlett, Jr. (appointed by the President)

HB 190, permitting access to personnel files of former employees.
 Senate Public Affairs

HB 197, establishing a teacher mentor and grant pilot program and making an
 appropriation therefor. (Amended)
 Education

HB 198, relative to school building aid for the Conway school district.
 Education

HB 202, restricting the use of dealer plates issued to motor vehicle dealers.
 Transportation

HB 217, relative to the use or nonuse of seat belts.
 Transportation

HB 226, relative to automatic fire warning devices in hospital rooms.
 Public Protection and Veterans Affairs

HB 227, relative to food service licensure.
 Senate Public Institutions/Health and Welfare

HB 228, relative to continuing education for real estate brokers.
 Executive Departments and Administration

HB 249 (Chapter 411:1, Laws of 1985), COMMITTEE TO STUDY COUNTY GOVERNMENT.
 Sens. Edward C. Dupont, Jr. and Leo E. Lessard (appointed by the
 President)
 Reps. Natalie S. Flanagan and Daniel A. Eaton (appointed by the
 Speaker)
 Six members appointed by Governor:
 2 representing cities
 2 representing towns
 2 representing counties

HB 249 (Chapter 411:4, Laws of 1985), COMMITTEE TO STUDY SHERIFFS AND POLICE.
 3 designees of the Governor:
 1 town selectman
 1 city alderman
 1 county commissioner
 1 designee of Chief Justice of Supreme Court who shall be a justice of
 a court having criminal jurisdiction
 Chief Bruce Cheney, Laconia and Chief Roger Watson, Tamworth
 (designees of New Hampshire Association of Chiefs of Police)
 1 designee of New Hampshire Sheriffs' Association
 Lt. Lynn M. Presby (designee of Commissioner of Safety)
 Gregory W. Swope, Assistant Attorney General (designee of the Attorney
 General)
 Reps. Donna P. Sytek and Douglas R. Woodward (appointed by the Speaker)
 Sens. Jean T. White and Ruth L. Griffin (appointed by the President)

HB 255, to make the state barrier free code no more restrictive than the
 federal requirements.
 Public Works

- HB 267, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements.
Commerce, Small Business and Consumer Affairs
- HB 270, relative to the construction of a Route 102 bypass in the towns of Derry and Londonderry and making an appropriation therefor.
Public Works
- HB 274, relative to the office of county attorney.
Judiciary
- HB 282, increasing the per diem fee paid by a racing licensee to the town in which the racing plant is located on Saturdays and holidays.
Regulated Revenues
- HB 284, relative to the Winnepesaukee river flood protection project and making an appropriation therefor. (Amended)
Public Works
- HB 285, relative to priority of liens on hazardous waste facilities.
Environment and Agriculture
- HB 292, extending the aviation fuel toll to jet fuels and other fuels.
Transportation
- HB 308, excluding easements from the definition of a subdivision.
Municipal and County Government
- HB 313 (Chapter 86, Laws of 1985), WORKERS' COMPENSATION ADVISORY COUNCIL.
Vance R. Kelly, Labor Commissioner
Insurance Commissioner or designee
Rep. Robert S. Hawkins (appointed by the Speaker)
Sen. George E. Freese, Jr. (appointed by the President)
3 persons appointed by Governor and Council
 1 representing interests of management
 1 representing interests of labor
 1 employee of an insurance company that provides workers' compensation coverage
- HB 316, relative to real estate brokers' bonds.
Commerce, Small Business and Consumer Affairs
- HB 321, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they are elected.
Legislative Administration
- HB 323, relative to the continuance of health care benefits for injured employees.
Labor, Industrial and Rehabilitative Services
- HB 325, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor.
Public Works
- HB 330, relative to the taking of deer.
Fish and Game
- HB 332, removing the liquor commission and the department of employment security from the exception to the data processing authority of the director of information services.
Science and Technology
- HB 334, relative to the licensing of dogs.
Senate Public Affairs
- HB 336, allowing manufactured housing to be located in any residential area in a municipality.
Municipal and County Government
- HB 341, providing an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor.
Public Works

HB 344, relative to repealing the mini Davis-Bacon act.
Labor, Industrial and Rehabilitative Services

HB 346, relative to establishing an instructional equipment special fund and making an appropriation therefor.
Education

HB 365, relative to a study of the traffic problems on Route 102 in the town of Derry.
Public Works

HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district. (Amended)
Senate Banks

HB 375, relative to hazardous waste facilities.
Environment and Agriculture

HB 386, establishing a bureau of international trade and a non-profit corporation to promote New Hampshire businesses and products overseas, and making an appropriation therefor.
Commerce, Small Business and Consumer Affairs

SPEAKER'S SPECIAL COMMITTEE ON EAST-WEST HIGHWAY (HB 391)

Reps. Bibbo, Chairman; LaMott, Vice Chairman; Franklin Torr; Robert Holbrook; Matson; Laurent Boucher; Robert Johnson; Gross; James Chamberlin; James Chandler; Keans; Swope; Kincaid; Berkey; Pearson; Meader

HB 397 (Chapter 362, Laws of 1985), COMMISSION TO STUDY THE RECODIFICATION OF STATE LAWS ON MUNICIPALITIES.
Reps. Alf E. Jacobson, Richard A. Grodin and George M. West (appointed by the Speaker)
Sens. George I. Wiggins, Edward C. Dupont, Jr. and Jean T. White (appointed by the President)
3 members appointed by Governor and Council at least one of whom shall be a municipal official

HB 398, relative to mandatory mediation and making an appropriation therefor.
Senate Judiciary

HB 399, establishing a domestic relations commissioner pilot program and making an appropriation therefor.
Judiciary

HB 401, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor.
Judiciary

HB 402, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor.
Education

HB 405, establishing a care management system for the elderly and making an appropriation therefor.
Children, Youth and Elderly Affairs

HB 409, authorizing a municipal road pay-back fee system.
Municipal and County Government

HB 410, relative to the resolution of public employee labor disputes.
Labor, Industrial and Rehabilitative Services

HB 421 (Chapter 317:5, Laws of 1985), relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor and relative to the excellence in education program. GOVERNOR'S STEERING COMMITTEE: (Members mandated to aid Department of Education in directing and developing the Excellence in Education Program)
Sens. Jean T. White and John P. Stabile, II (appointed by the President)
Reps. William P. Boucher and Ellen-Ann Robinson (appointed by the Speaker)

6 members, 1 to represent each of the following groups, appointed by Governor and Council from a list of 3 persons submitted to them by each of following groups:

National Education Association of New Hampshire
New Hampshire Association of School Principals
New Hampshire School Boards Association
New Hampshire Federation of Teachers
New Hampshire School Administrators Association
New Hampshire Parents and Teachers Association

7 members appointed by the Governor who shall have appropriate experience and qualifications and who may represent private or public higher educational facilities.

HB 430, to subdivide the youth development center campus and apply the proceeds to establish regional youth facilities.
State Institutions and Housing

HB 431, amending the business profits tax.
Ways and Means

HB 433, establishing an academy of science, arts, and technological innovation.
Science and Technology

HB 438, relative to Route 16 from the town of Gorham to the town of Glen and making an appropriation therefor. (Amended)
Public Works

HB 443 (Chapter 393, Laws of 1985), establishing the central interagency motorpool study committee and making an appropriation therefor.
Reps. Edward J. Bennett and Patricia T. Russell (appointed by the Speaker)
Sens. Jean T. White and William S. Bartlett, Jr. (appointed by the President)
Richard M. Flynn, Dover, George Segal, Bow and Pasquale Alosa, Nashua (appointed by the Governor)

HB 445 (Chapter 364:2, Laws of 1985) Select Commission to examine a unified court system (Continued). (Chapter 382, Laws of 1983; Chapter 488, Laws of 1979).
Sens. William S. Bartlett, Jr., Eleanor P. Podles and Richard E. Boyer (appointed by the President)
Reps. Donna P. Sytek, Francis Robinson and Daniel A. Eaton (appointed by the Speaker)
Advisory Panel to Commission (non-voting members)
1 appointed by Chief Justice of Supreme Court
1 appointed by Chairman of Administrative Committee of District and Municipal Courts
1 appointed by the New Hampshire Municipal Association
1 appointed by New Hampshire Bar Association
1 appointed by Chief Justice of Superior Court
1 appointed by the New Hampshire Probate Judges Association
1 appointed by New Hampshire Association of Counties who shall be a county commissioner

HB 445 (Chapter 364:3, Laws of 1985), COMMISSION TO EXAMINE PROBATION.
Sens. Rhona M. Charbonneau, Susan McLane and Leo E. Lessard (appointed by the President)
Reps. Francis E. Robinson, Charles F. Bass and Barbara E. Arnold (appointed by the Speaker)
Advisory Committee:
David A. Bundy, Director of Division for Children and Youth Services, Department of Health and Human Services
Dr. Ronald L. Powell, Commissioner of Corrections
Jeffrey W. Leidinger, Director of Administrative Office of the Courts
Judge Urville J. Beaumont, President of the New Hampshire Judges' Association
Raymond J. Bilodeau, President of New Hampshire District Court
Probation Officers' Association or his designee

HB 448, relative to the radiological health program.
Health and Human Services

HB 449, relative to marriages of minors, waiver of the waiting period for marriage, and waiver fees and copy costs. (Amended)
Senate Judiciary

- HB 456, relative to a forgivable loan program and making an appropriation therefor.
Senate Education
- HB 459, establishing a local water protection assistance program and making an appropriation therefor. (Amended)
Resources, Recreation and Development
- HB 472, establishing a division of information technology and planning within the department of administrative services and making an appropriation therefor.
Science and Technology
- HB 473, establishing a fund for data processing projects and making an appropriation therefor.
Science and Technology
- HB 474, relative to training seminars for department, division and bureau heads and making an appropriation therefor.
Science and Technology
- HB 475, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor.
Science and Technology
- HB 488, authorizing construction of the proposed bridge over the Pemigewasset river in the city of Franklin, up to Route 127. (Amended)
Public Works
- HB 489, relative to the business profits tax.
Ways and Means
- HB 494, requiring the licensing of child care workers.
Executive Departments and Administration
- HB 499, relative to the disposal of state owned real property.
Senate Executive Departments
- HB 508, authorizing police officers to order removal of motor vehicle fatalities. (Amended)
Senate Judiciary
- HB 509, relative to the definition of automobile dealer.
Transportation
- HB 513, establishing an interdepartmental coordination system between the department of education and the department of health and human services.
Senate Education
- HB 516, relative to smoke detectors in residential health care facilities.
Public Protection and Veterans Affairs
- HB 520, relative to supplemental information required on birth, marriage, and death certificates.
Constitutional and Statutory Revision
- HB 528 (Chapter 283, Laws of 1985), establishing a study committee to investigate the consideration of noise impact in energy facility siting decisions.
Reps. Elizabeth A. Greene, John L. Sherburne and Eleanor M. Anderson
Sens. Charles D. Bond, Ruth L. Griffin and James R. St. James
3 members appointed by Governor with consent of Council
- HB 540 (Chapter 119, Laws of 1985), COMMITTEE TO RECODIFY THE STATE'S LABOR LAWS
Reps. Patricia M. Skinner, Robert S. Hawkins and Frank J. Reidy
Sens. George E. Freese, Jr., Clesson J. Blaisdell and Sheila Roberge
Vance R. Kelly, Labor Commissioner
- HB 546, providing manufactured housing tenants with a limited right to purchase the park and changing eviction notice requirements.
State Institutions and Housing

HB 549, creating a compensation program for victims of violent crimes.
Judiciary

HB 554, relative to the fixing of rates by the public utilities commission.
Senate Internal Affairs

HB 555, allowing salaries for state liquor store employees to be based upon
store profitability.
Ways and Means

HB 560 (Chapter 284, Laws of 1985), STUDY COMMITTEE RELATIVE TO POWER BOATS.

Voting members:

Sens. George E. Freese, Jr., George I. Wiggins and Clesson J. Blaisdell (appointed by the President)
Reps. Milton G. Jensen, James J. White and Beverley B. Bryant (appointed by the Speaker)
Commissioner of Safety or designee

Nonvoting members:

Jack Irwin (appointed by New Hampshire Marine Dealers' Association)
Mildred A. Beach (appointed by Lakes Region Association)
1 person appointed by Lakes Region Clean Water Association
Lt. Commander Augustine R. Stratoti (appointed by the United States Power Squadron)
1 person appointed by United States Coast Guard Auxiliary
The Office of Vacation Travel

HB 564, relative to voluntary mediation in divorce proceedings.
Judiciary

HB 566, relative to fault grounds in divorce proceedings.
Judiciary

HB 576, relative to the crime of theft deception.
Judiciary

HB 596 (Chapter 64, Laws of 1985), relative to restoring the old state house at Strawberry Banke.
Reps. Elsie Vartanian, Andrea A. Scranton and Elaine S. Krasker (appointed by the Speaker)
Sens. Roger C. Heath, Ruth L. Griffin and Robert F. Preston (appointed by the President)
1 member from the general public appointed by the Committee

HB 601, relative to driver's license fees.
Transportation

HB 607, relative to special education medically related services and insurance.
Education

HB 610, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents.
Education

HB 613, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.
Senate Public Affairs

HB 621, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible.
Public Works

HB 623, relative to capital murder, first degree murder and the death penalty.
Judiciary

HB 628, certifying clinical mental health counselors.
Senate Executive Departments

HB 631, imposing civil liability upon state agencies for damage to the environment or public health caused by an agency's failure to adequately enforce permit requirements.
Environment and Agriculture

- HB 638, permitting the state, counties and municipalities to contract with private entities for the construction of government-operated facilities.
Senate Public Affairs
- HB 639, relative to the board of registration in medicine.
Judiciary
- HB 641, relative to the reimbursement of utilities for relocation costs.
Public Works
- HB 644, relative to child abuse reporting.
Children, Youth and Elderly Affairs
- HB 649, relative to employees of the dog and horse racing industry. (Amended)
Senate Internal Affairs
- HB 650, to permit designation of enterprise zones by the director of economic development, department of resources and economic development.
Commerce, Small Business and Consumer Affairs
- HB 652, relative to hazardous waste siting procedures and use of the hazardous waste fund.
Environment and Agriculture
- HB 653, adopting the model small business equal access to justice act.
Commerce, Small Business and Consumer Affairs
- HB 655, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance.
Senate Insurance
- HB 664, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators.
Transportation
- HB 672, relative to special number plates for radio amateurs.
Transportation
- HB 679, requiring evidence of declination prior to issuance of surplus lines policies.
Commerce, Small Business and Consumer Affairs
- HB 681, prohibiting game machines with cancellation buttons or cancellation keys.
Judiciary
- HB 684, relative to public employee collective bargaining.
Labor, Industrial and Rehabilitative Services
- HB 685, creating a single state district court and abolishing all remaining municipal courts.
Judiciary
- HB 686, relative to information required on birth, marriage, and death certificates. (Amended)
Executive Departments and Administration
- HB 687, relative to campaign financing. (Amended)
Senate Executive Departments
- HB 688, establishing past performance review and bonding in the licensing of solid and hazardous waste operators and land excavators.
Environment and Agriculture
- HB 689, establishing a department of natural resources.
Executive Departments and Administration
- HB 690, establishing a reorganized department of safety.
Executive Departments and Administration
- HB 694 (Chapter 394:6, Laws of 1985), relative to welfare and making an appropriation therefor, and relative to a study committee, the division of health and human services, and nursing home payments.
Reps. Matthew M. Sochalski, Leo W. Fraser, Jr. and Marion L. Copenhagen (appointed by the Speaker)

Sens. Jean T. White, William S. Bartlett, Jr. and Clesson J. Blaisdell
(appointed by the President)
Effie Malley, Concord, Judith Chynoweth, Canterbury and John Farrell,
Peterborough (appointed by the Governor)

HB 700, relative to bingo.
Regulated Revenues

HB 707, relative to legislative review of state agencies and programs.
Senate Internal Affairs

HB 710, relative to the selection of guardians ad litem.
Judiciary

HB 711, creating a board of examiners in ophthalmic dispensing.
Executive Departments and Administration

HB 713, relative to standards for the awarding of legal and physical custody.
Judiciary

HB 721, permitting group II members who reach age 65 to make an election for
retirement benefits.
Senate Executive Departments

HB 726, relative to alimony and property settlements.
Judiciary

HB 731, creating a study committee to review the current regulator functions
of the board of psychologists and to recommend legislation for
improvements in the board.
Executive Departments and Administration

HB 732, relative to insurance coverage for services of persons licensed under
RSA 330-A.
Senate Insurance

HB 733, relative to election ballots.
Senate Executive Departments

HB 737, increasing the salaries for certain employees of the department of
postsecondary vocational-technical education.
Senate Education

HB 738, to change the operation and the name of the department of
postsecondary vocational-technical education.
Senate Education

HB 739, authorizing the county commissioners in Coos county to administer
unincorporated places.
Municipal and County Government

HB 744 (Chapter 194:7, Laws of 1985), relative to community mental
health center fees, emergency hospitalization, and certain rulemaking
authority. (CONSOLIDATING THE MENTAL HEALTH LAWS).
Reps. Donna P. Sytek and Matthew M. Sochalski (alternates: Ralph
Parker and Edward Densmore) (appointed by the Speaker)
Sens. Susan McLane and Charles D. Bond (appointed by the President)
1 member appointed by Governor
Donald L. Shumway, Director of Mental Health and Developmental Services
5 members appointed by Governor from among the provider community,
consumers, and family members of mentally ill persons

HB 746, relative to truck weights.
Transportation

HB 748, increasing the salaries of state employees in academic positions.
Senate Finance

HB 752, establishing a department of regulated enterprises.
Executive Departments and Administration

HB 753, to provide a loss carryover under the business profits tax.
Ways and Means

HB 759, relative to the police standards and training fund.
Executive Departments and Administration

HB 770, relative to the compensation of probate judges.
Judiciary

HB 773, relative to financial disclosure by public officials.
Legislative Administration

HB 784, relative to motor vehicle registration fees.
Transportation

HB 785, relative to defined benefit pension funds in the private sector.
Labor, Industrial and Rehabilitative Services

HB 786, requiring notice and hearing prior to liquor license revocation or suspension and providing an appeals process.
Regulated Revenues

HB 789, relative to municipal industrial development authorities.
Municipal and County Government

HB 791, relative to the small scale power facility tax exemption.
Science and Technology

HB 794, relative to the legacy and succession tax.
Ways and Means

HB 797, relative to filing a petition for a divorce based on irreconcilable differences.
Judiciary

HB 799, establishing that providers of respite care and client skills training to developmentally impaired individuals shall not be deemed to be in employment by area agencies.
Labor, Industrial and Rehabilitative Services

HB 802 (Chapter 403:2, Laws of 1985), authorizing the adoption of a program of motor vehicle emissions inspection in certain areas and establishing a study committee to analyze data relative to air pollution in Nashua.
James W. Donchess, Mayor, City of Nashua
David C. Soule, Director of the Nashua Regional Planning Commission
Wallace E. Stickney (designee of the Governor)
Sen. George I. Wiggins (appointed by the President)
Rep. Elizabeth A. Greene (appointed by the Speaker)
Kenneth H. Lewis (designee of the Commissioner of Safety)
Dennis R. Lunderville, Director of the Air Resources Agency who shall serve as chairman
Richard Marshall (designee of the Commissioner of Public Works and Highways)
William Wallace, Jr., MD, Commissioner of Health and Human Services
Guenther K. Mathoni (appointed by the Governor with consent of the Council)

CACR 12, relating to supreme court advisory opinions. Providing that the supreme court must answer every question posed to it by the legislature or the governor.
Constitutional and Statutory Revision

CACR 16, relating to the term of the governor. Providing that the term shall be 4 years.
Senate Executive Departments

HR 25, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process. (Adopted 4/3/85)
Reps. M. Arnold Wight, Marilyn R. Campbell, Mary P. Chambers, James A. Chandler, Phoebe A. Chardon, Natalie S. Flanagan, John J. Kane, Wayne D. King, Elaine S. Krasker, Ezra B. Mann, II, Conrad L. Quimby, William A. Riley, Patricia M. Skinner, Ann M. Torr and Arthur Tufts (appointed by the Speaker)

HBI 2001, relating to the establishment of a state tourism policy.
Resources, Recreation and Development

HBI 2002, relating to the problems caused by OHRVs, snow traveling vehicles and all terrain vehicles.
Resources, Recreation and Development

HBI 2004, relating to procurement of computer equipment by the state and its political subdivisions.
Science and Technology

HBI 2005, relating to funding the arts through business contributions.
Education

HBI 2006, relating to the historical fund administered by the joint legislative historical committee.
Legislative Administration

HBI 2007, relating to the youth development center.
State Institutions and Housing

HBI 2008, relating to the New Hampshire state hospital.
State Institutions and Housing

HBI 2009, relating to the Laconia state school.
State Institutions and Housing

HBI 2010, relating to enhancing the potential of New Hampshire's rivers.
Resources, Recreation and Development

HBI 2011, relating to use of our forest resources.
Resources, Recreation and Development

HBI 2014, relating to consideration of broadening the base of the New Hampshire business profits tax.
Ways and Means

HBI 2015, relating to the establishment of a reorganized department of health and human services.
Executive Departments and Administration

HBI 2016, relating to the establishment of a department of labor and employment security.
Executive Departments and Administration

HBI 2017, relating to selection and certification of sites for new hazardous waste treatment facilities.
Environment and Agriculture

SB 3, relative to expenditures and reporting by political committees.
Constitutional and Statutory Revision

SB 7, relative to third party payments for certain licensed psychologists.
Senate Public Institutions/Health and Welfare

SB 15, relative to the adoption of the uniform determination of death act.
Senate Judiciary

SB 16, relative to the statute of limitations for personal actions. (Amended)
Judiciary

SB 18, relative to the meals and rooms tax on rental property.
Senate Ways and Means

SB 21, adopting the uniform limited partnership act.
Senate Judiciary

SB 24, amending article 8 of the uniform commercial code.
Senate Executive Departments

SB 28, relative to search and rescue in the White Mountains during the winter months.
Fish and Game

SB 31, to authorize use of the Merrimack River water in the Southern New Hampshire Water Company, Inc.'s water works system.
Senate Development, Recreation and Environment

SB 33, establishing a department of water management and protection.
Senate Executive Department

- SB 37, relative to the preservation and disposition of Indian skeletal remains.
Public Works
- SB 50, relative to double damages in civil suits arising from driving while intoxicated accidents.
Senate Judiciary
- SB 52 (Chapter 387:2, Laws of 1985), establishing an advisory committee on rules of evidence.
Rep. Donna P. Sytek, Chairman of House Judiciary
Rep. Charles F. Bass (appointed by the Speaker)
Sen. Richard E. Boyer, Chairman of Senate Judiciary
Sen. John P. H. Chandler, Jr., (appointed by the President)
Jack Middleton, Esq., Manchester (appointed by the Governor)
1 Police Prosecutor appointed by Governor
- SB 56, relative to the sunset renewal procedure.
Senate Internal Affairs
- SB 57, relative to legislative and executive oversight of administrative rulemaking.
Senate Executive Departments
- SB 62, relative to exempting professionally prescribed health aids from attachment and execution.
Senate Judiciary
- SB 65, proscribing the transportation of alcohol in open containers.
(Amended)
Transportation
- SB 66, allowing non-profit charitable organizations, and social and sports clubs to sell lucky 7 tickets. (Amended)
Regulated Revenues
- SB 68, relative to comparative contribution.
Judiciary
- SB 70, relative to the board of dental examiners. (Amended)
Executive Departments and Administration
- SB 73, increasing the appropriation for the construction of regional vocational education centers.
Senate Finance
- SB 77, limiting utility rate increases resulting from the cost of certain newly completed generating facilities.
Senate Internal Affairs
- SB 85, relative to the sale and distribution of cigarettes. (Amended)
Ways and Means
- SB 86, establishing a joint promotional program for industrial development and making an appropriation therefor.
Senate Executive Departments
- SB 88, adopting the portion of the uniform land transactions act relating to rights as to the foreclosure of security interest.
Senate Public Affairs
- SB 89, relative to voter registration by postcard.
Senate Executive Departments.
- SB 96, relative to patient consent.
Judiciary
- SB 104, requiring municipalities to give written notice to property owners of reassessed property value.
Senate Public Affairs
- SB 106, relative to absentee voter registration
Senate Executive Departments

- SB 107, relative to the posting land in current use.
Senate Development, Recreation and Environment
- SB 110, establishing a committee for judicial excellence. (Amended)
Judiciary
- SB 115, relative to financial disclosure by elected officials. (Amended)
Legislative Administration
- SB 120, permitting the voters of a county to vote by referendum to elect the members of the county convention separately from the members of the general court.
Senate Public Affairs
- SB 128, relative to public assistance.
Health and Human Services
- SB 129, establishing a board of acupuncture.
Senate Public Institutions/Health and Welfare
- SB 135, extending the due process rights of certain teachers. (Amended)
Judiciary
- SB 141, establishing a committee to study the reduction of benefits provision for group I members of the New Hampshire Retirement System. (See HB 787, Chapter 398:8, I & II, Laws of 1985)
Executive Departments and Administration
- SB 144, establishing a victims' assistance program and a STOP-DWI program, funded through \$100 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked.
Judiciary
- SB 153, relative to a permit system for mooring boats on public waters.
Senate Development, Recreation and Environment
- SB 155, relative to retitling of rebuilt motor vehicles.
Senate Transportation
- SB 160, relative to questioning of the victim in sexual assault proceedings.
Senate Judiciary
- SB 164, relative to welfare liens on real property.
Senate Public Affairs
- SB 166, relative to alcoholism prevention, education, treatment, and research, and making an appropriation therefor.
Senate Finance
- SB 169, relative to tax contributions by businesses in regional planning commissions.
Senate Ways and Means
- SB 172, authorizing the city of Nashua to undertake the preliminary work for a second bridge across the Nashua River.
Senate Capital Budget
- SB 174, exempting transfers of title between nonprofit hospitals from the real estate transfer tax. (Amended)
Ways and Means
- SB 180, relative to gasoline credit account charges.
Senate Banks
- SB 182, establishing a 4 year term for all unclassified employees.
Senate Executive Departments
- SB 184, (Chapter 156, Laws of 1985), establishing a task force to study the problem of indigent care in New Hampshire.
Sens. Rhona M. Charbonneau and George E. Freese, Jr. (appointed by the President)
Reps. Lynn Joslyn and Toni Pappas (appointed by the Speaker)
Nancy Baybutt, Concord (appointed by the Governor)
2 members of the Department of Health and Human Services designated by the Commissioner of Health and Human Services

5 members from provider community, including, but limited to hospitals, physicians, community based health care agencies, the insurance industry and allied health professions to be appointed by the Governor and Council.

The Insurance Commissioner or his designee

1 member from the business community appointed by Governor and Council

1 member from the labor industry appointed by Governor and Council

SB 185, relative to the registration of autocycle. (Amended)
Transportation

SB 186, relative to child sexual abuse crimes.
Senate Public Institutions/Health and Welfare

SB 187, relative to mandatory auto insurance.
Senate Insurance

SB 191, relative to private sector employee labor relations.
Senate Internal Affairs

SB 195 (Chapter 264, Laws of 1985), creating a children's trust fund study committee.

Rep. James H. Pannell (appointed by the Speaker)

Sen. Eleanor P. Podles (appointed by the President)

Stephen Merrill, Esq. (appointed by the Governor)

SB 205, relative to resident taxes for municipalities with a population of 90,000 or more persons.
Senate Public Affairs.

SB 213, providing for representatives from certain sending districts on school boards.
Senate Education

SB 216, establishing the New Hampshire mountain authority.
Senate Development, Recreation and Environment

SB 223, relative to retirement benefits for certain legislative and constitutional officers.
Executive Departments and Administration

SCR 3, urging the reestablishment of salmon and shad in the Merrimack River.
(Amended)
Fish and Game

RSA 9:13-a ADVISORY BUDGET CONTROL COMMITTEE

Rep. William F. Kidder, Chairman House Appropriations

Reps. John J. Kane and Margaret A. Ramsay (appointed by the Speaker)

Sen. Jean T. White, Chairman Senate Finance

Sens. Blaisdell and Chandler (appointed by the President)

RSA 14:30-a LEGISLATIVE FISCAL COMMITTEE

Reps. William F. Kidder, Chairman, Paul I. LaMott, William R. Matson, Rowland H. Schmidtchen and Andrea A. Scranton (appointed by Appropriations Chairman)

Sen. Jean T. White, Ralph D. Hough and William S. Bartlett, Jr. (appointed by Finance Chairman)

RSA 17-C JOINT COMMITTEE ON LEGISLATOR ORIENTATION

Reps. Conrad Quimby, Chairman, Margaret A. Ramsay and Phoebe A. Chardon (appointed by the Speaker)

John B. Tucker, Speaker, Carl A. Peterson, House Clerk and Lynne C. Dennis, Director of Legislative Services

Sens. Griffin and Lessard (appointed by the President)

Vesta M. Roy, President and Wilmont S. White, Senate Clerk

Advisory: Sara M. Townsend, Lynn Joslyn, Robert Kelley and Kenneth Malcolm

RSA 17-E:2 JOINT COMMITTEE ON LEGISLATIVE FACILITIES

Sen. Vesta Roy, Chairman, Rep. John B. Tucker, Vice Chairman, Reps.

Bruce C. Rounds, Mary P. Chambers, William F. Kidder, Sens. John P.

Stabile, Leo E. Lessard, Jean T. White; Reps. Paul I. LaMott and

Phoebe A. Chardon (appointed by the Speaker); Sens. George E. Freese

and George I. Wiggins (appointed by the President)

RSA 17-F:2 JOINT COMMITTEE ON REVIEW OF AGENCIES AND PROGRAMS (SUNSET)

Reps. John B. Tucker, Vice Chairman, Bruce C. Rounds, Sara M. Townsend, Dennis R. Bolduc and Wayne D. King (appointed by the Speaker)
Sens. Vesta M. Roy, Chairman, George I. Wiggins, Edward C. Dupont, Jr., Clesson J. Blaisdell and Richard E. Boyer (appointed by the President)

RSA 17-H JOINT COMMITTEE ON ELDERLY AFFAIRS

Sens. Eleanor P. Podles and John P. H. Chandler, Jr. (appointed by the President)
Reps. Ednapearl F. Parr, Mary C. Holmes and Irene J. Shepard (appointed by the Speaker)

RSA 17-I JOINT LEGISLATIVE HISTORICAL COMMITTEE

Reps. John B. Tucker, Bruce C. Rounds, Mary Chambers and Roland A. Sallada (alternate: Nancy C. Hendrick)
Sens. Vesta M. Roy, Roger C. Heath, John P. Stabile and Leo Lessard (alternate: John P. H. Chandler)

RSA 17-J CAPITAL BUDGET OVERVIEW COMMITTEE

Rep. James V. Bibbo, Chairman of Public Works
Reps. James C. Chamberlin, William J. Driscoll, Paul I. LaMott, Chairman, William R. Matson and Robert G. Holbrook (appointed by the Speaker)
Sen. Jean T. White, Chairman of Senate Capital Budget, Sens. John P. Stabile, II, John P. H. Chandler, Jr., and Robert F. Preston (appointed by the President)

RSA 17-L JOINT COMMITTEE ON IMPLEMENTATION OF REORGANIZATION (HB 1, chapter 372, Laws of 1983)

Reps. Bruce C. Rounds, Phoebe A. Chardon and Kathleen W. Ward (appointed by the Speaker)
Reps. Wayne D. King and Edward Densmore (appointed by House Minority Leader)
Sens. Edward C. Dupont, Jr., Ruth L. Griffin and George E. Freese, Jr. (appointed by the President)
Sens. James R. St. Jean and Clesson J. Blaisdell (appointed by the Senate Minority Leader)
Governor or designee (non-voting member)

RSA 17-M LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE

Sy Verson (appointed by the Governor)
Sens. Susan McLane, John P. Stabile, Ruth L. Griffin and Robert A. Stephen (appointed by the President)
Reps. Rounds, Bibbo, LaMott and Matson (appointed by the Speaker)
Director of Accounts or designee (Advisory member)
Commissioner of Public Works or designee (Advisory member)

RSA 19:2 INTERSTATE COOPERATION COMMISSION

Reps. John B. Tucker, Paul G. Meader and Phoebe A. Chardon (appointed by the Speaker)
Sens. John P. H. Chandler, Jr., Ruth L. Griffin and Charles D. Bond (appointed by the President)

RSA 79-A:3 CURRENT USE ADVISORY BOARD

Rep. Elmer L. Johnson (appointed by the Speaker)
Sen. George I. Wiggins (appointed by the President)

RSA 99:20 STATE EMPLOYEE PRODUCTIVITY INCENTIVE PROGRAM

Rep. Kathleen W. Ward (appointed by the Speaker)
Sen. George E. Freese (appointed by the President)

RSA 110-B:62 NATIONAL GUARD SCHOLARSHIP FUND

1 Rep. appointed by the Speaker
Sen. Richard E. Boyer (appointed by the President)

RSA 125:77-h LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT TASK FORCE

2 Reps. appointed by the Speaker
Sens. Ruth L. Griffin and Robert F. Preston (appointed by the President)

RSA 126-A:8 HEALTH AND WELFARE OVERSIGHT COMMITTEE

Sens. Susan McLane, Eleanor P. Podles, Rhona M. Charbonneau, James R. St. Jean and Robert Preston (appointed by the President)
Reps. Matthew M. Sochalski, Audrey A. Carragher, Lynn Joslyn, Elizabeth Hager and Gladys M. Cox (appointed by the Speaker)

RSA 149-H:1 HAZARDOUS MATERIAL TRANSPORTATION ADVISORY BOARD

Sen. William S. Bartlett, Jr. (appointed by the President)
Rep. Elizabeth A. Greene (appointed by the Speaker)

RSA 172-A:4 HALFWAY HOUSE ADVISORY COMMISSION

Sen. Robert A. Stephen (appointed by the President)
Reps. Elsie Vartanian, Ralph Parker and Barbara B. Pressly (appointed by the Speaker)

RSA 187-A:26-a UNIVERSITY SYSTEM STUDY COMMITTEE

Sens. William A. Johnson, Edward C. Dupont and Clesson J. Blaisdell (appointed by the President)
Reps. William P. Boucher, Betty Jo Taffe, E. Jane Walker, Ellen-Ann Robinson and Margaret A. Case (appointed by the Speaker)

RSA 200-A:3 NEW ENGLAND BOARD OF HIGHER EDUCATION (Amended HB 643, Chapter 233:4, Laws of 1985)

1 Rep. appointed by the Speaker
1 Sen. appointed by the President

RSA 200-G:2 EDUCATION COMMISSION OF THE STATES

Sen. Roger C. Heath (appointed by the President)
Rep. Betty Jo Taffe (appointed by the Speaker)

RSA 201-A:24 AUTOMATED INFORMATION SYSTEMS BOARD (Amended HB 26, Chapter 268:22, Laws of 1985)

Rep. Patricia M. Skinner (appointed by the Speaker)
Sen. Jean T. White (appointed by the President)

RSA 273-B:4 JOINT COMMITTEE ON EMPLOYMENT RELATIONS

Reps. John B. Tucker, Speaker; Bruce C. Rounds, Majority Leader; Mary P. Chambers, Minority Leader; William F. Kidder, Appropriations Chairman; Betty Tamposi, Ways and Means Chairman; Patricia M. Skinner, Labor, Industrial and Rehabilitative Services Chairman; and Wilfred Burkush, Labor, Industrial and Rehabilitative Services ranking Democratic member; Sens. Vesta M. Roy, President; John P. Stabile, Majority Leader; Leo E. Lessard, Minority Leader; Jean T. White, Finance Chairman; Roger C. Heath, Ways and Means Chairman; George E. Freese, Insurance Chairman; and Sheila Roberge, Insurance Vice Chairman

RSA 281:55 ADVISORY COUNCIL ON WORKMEN'S COMPENSATION

Rep. Robert S. Hawkins and Sen. Richard E. Boyer

RSA 383:20 BANK ADVISORY BOARD

Sen. Rhona M. Charbonneau (appointed by the Speaker)
Reps. Tom Longworth and Catherine G. Lamy (appointed by the Speaker)

RSA 482:74 LEGISLATIVE DAM MANAGEMENT REVIEW COMMITTEE

Reps. Howard C. Dickinson, Chairman, Leander W. Burdick, Jr., Charles H. Dingle and MaryAnn N. Blanchard (appointed by the Speaker)
Sens. George I. Wiggins, Robert F. Preston, Roger C. Heath and Mark Hounsell (appointed by the President)
Delbert Downing, Chairman of the Water Resources Board (nonvoting member)

RSA 541-A:11 LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

Reps. Sara M. Townsend, Vice Chairman, Ada Mace, Howard C. Townsend, Marion L. Copenhaver and Margaret A. Ramsay (appointed by the Speaker)
Sens. Wiggins, Chairman, Lessard, Dupont, St. Jean and Charbonneau (appointed by the President)

RSA 541-B:3 NEW HAMPSHIRE BOARD OF CLAIMS

Rep. Harold W. Burns and Sen. William S. Bartlett, Jr.

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Resigned

02/10/85

Belk. 9

Richard W. Bastraw, r

Special Elections:District

Hills. 47

Lafayette Bergeron, d

Took Oath

05/01/85

400 State Representatives

R - 260

R&D - 36

296

D - 83

D&R - 20

103

Currently elected and qualified: 399

Vacancies due to: 1 resignation

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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
com	committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
ext	extension of time for hearing (rule 43)
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
withd	withdrawn

HOUSE BILLS

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HB 2 Not introduced

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HB 4, establishing a new formula for distributing foundation aid to the school districts. (Robinson of Hil. 14 et al - To Education)
First new title: establishing a new formula for distributing foundation aid to school districts, and making an appropriation therefor, and continuing the rate of the real estate transfer tax.
Second new title: establishing a new formula for distributing foundation aid to school districts.
135, am & Approp 412-413, am 481, psd 547, conc S am 601, enr 674, veto overridden (RC) 677-679, S sustained veto 691

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- HB 6, prohibiting paramilitary training and activity. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)
17, K 60
- HB 7, relative to the rulemaking authority of the adjutant general of the NH National Guard. (Benton of Rock 5 - To Public Protection and Veterans Affairs)
17, psd 36, 44, S conc, enr 79 (Chapter 1)
- HB 8, prohibiting bail pending appeal for persons convicted of certain offenses. (Flanagan of Rock. 8 - To Judiciary)
17, ext 47, am 83, psd 96, S conc 233, enr 302 (Chapter 26)
- HB 9, relative to the eminent domain powers of housing authorities. (Quimby of Rock. 7; Felch of Rock. 14 - To State Institutions and Housing)
17, ext 47, study 118, 783
- HB 10, relative to police presence at public meetings or functions (Benton of Rock. 5 - To Public Protection and Veterans Affairs)
17, am 37-38, psd 44, S conc 140, enr 233 (Chapter 5)
- HB 11, relative to the national guard scholarship fund. (Benton of Rock 5; Sen. Boyer - To Public Protection and Veterans Affairs)
17, Approp 37, psd 58, 66, S conc 191, enr 302 (Chapter 27)
- HB 12, including "sod farming" within the statutory definition of farm, agriculture and farming. (Campbell of Rock. 20 - To Environment and Agriculture)
17, psd 49, 54, S conc 140, enr 233 (Chapter 6)
- HB 13, relative to the office of combined town clerk-town tax collector. (Jacobson of Mer. 2 - To Municipal and County Government)
17, rem 58, K 65
- HB 14, relative to the lien for taxes due under the interest and dividends tax. (Jacobson of Mer. 2 - To Ways and Means)
17, psd 409-410, 451, S nonconc 568
- HB 15, relative to the consolidation of cemetery trust funds into a common trust fund and the appropriate method of accounting for such fund. (Bangs of Rock. 7 - To Municipal and County Government)
17, K 36
- HB 16, raising the amount from \$500 to \$1,000 that must be reported by political committees and political candidates. (Sullivan of Hil. 39 - To Constitutional and Statutory Revision)
17, K 48
- HB 17, relative to requirements for the execution and probate of wills. (Daniell of Mer. 12 - To Judiciary)
17, am 58-59, psd 66, S study 628, 783
- HB 18, relative to the enforcement of zoning ordinances. (Jacobson of Mer. 2 - To Municipal and County Government)
17, K 36
- HB 19, requiring the singing of the national anthem at the commencement of the regular legislative session. (Ingram of Sul. 4 et al - To Legislative Administration)
17, ext 53, 106, K 186
- HB 20, relative to the implied consent of testing of boat operators on public waters. (Ames of Rock. 10 et al - To Public Protection and Veterans Affairs)
17, am & rcmt 38, am 61-62, psd 66, S conc 167, enr am 262, enr 302 (Chapter 28)
- HB 21, relative to filing with school district clerks. (Warburton of Rock. 6 - To Constitutional and Statutory Revision)
New title: relative to filing with the school district clerk or town clerk.
17, am 58, psd 66, S conc 140, enr 233 (Chapter 7)

- HB 22, extending the authority of the executive director and fish and game commission to set the season and methods and manner of taking deer for 2 years. (Smith of Mer. 20; Sen. Wiggins - To Fish and Game) 17, am 36, psd 44, S conc 140, enr 233 (Chapter 8)
- HB 23, relative to penalties for violations in connection with the taking of marine species. (Pantelakos of Rock. 24 - To Fish and Game)
New title: relative to penalties for violations in connection with the taking of marine species and prohibiting bait dealers from taking smelt from certain lakes for 2 years.
17, psd 36, 44, nonconc S am, conf 665, 676, rep adop 692, enr 758 (Chapter 288)
- HB 24, permitting a county executive committee to hire an executive assistant. (Ahrens of Hil. 13 - To Municipal and County Government) 17, psd 36, 44, S nonconc 140
- HB 25, recodifying RSA title XL and relocating certain RSA chapters. (Campbell of Rock. 20 - To Environment and Agriculture)
28, am 97-98, psd 103, conc S am 390, enr am 458, enr 549 (Chapter 72)
- HB 26, establishing a department of libraries and cultural affairs. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Agriculture)
New title: establishing a department of libraries, arts and historical resources.
17, ext 47, am 149-157, psd 159, S conc 627, enr am 706-707, enr 734 (Chapter 268)
- HB 27, establishing a department of education. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Administration) 17, ext 47, 106, study 351, 783
- HB 28-FN, relative to bridges and bridge aid. (Easton of Graf. 11 et al - To Public Works)
24, am 39, psd 44, S conc 551, enr 566 (Chapter 78)
- HB 29, providing for special number plates for organization serving persons with a walking disability. (Densmore of Graf. 3 - To Transportation)
24, psd 43, 44, S nonconc 167
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24, am 38-39, psd 44, conc S am 167, enr 302 (Chapter 29)
- HB 31, relative to the transportation of dogs in open trucks. (Bowes of Mer. 4 - To Legislative Administration)
24, com changed 34, K 83
- HB 32, permitting the distribution of bills, resolutions, and daily journals to state depository libraries. (Benton of Rock. 5 - To Judiciary)
24, psd 36, 44, conc S am 79, enr 456 (Chapter 45)
- HB 33, authorizing the owner of the outlet at Robinson pond in the town of Hudson to construct a lake level management structure. (Arris of Hil. 19 - To Resources, Recreation and Development)
New title: authorizing the town of Hudson to construct a dam at Robinson Pond.
28, am 50, psd 54, S conc 140, enr 233 (Chapter 9)
- HB 34, relative to winter roads. (Easton of Graf. 11; Scanlan of Graf. 11 - To Public Works)
New title: relative to private roads
28, am 60, psd 66 (K)
- HB 35, relative to preparing and correcting checklists in village districts. (Lovejoy of Rock. 7 - To Constitutional and Statutory Revision)
28, psd 48, 54, enr 566, S conc 569 (Chapter 120)
- HB 36, limiting liability of donors and distributors of food. (Stio of Mer. 5; Quimby of Rock. 7 - To Judiciary)
28, rem 80, rcmt 95, am 116-117, psd 131, S conc 262, enr 302 (Chapter 30)

- HB 37, relative to building inspectors. (Mason of Rock. 22 - To Executive Departments and Administration)
28, K 49
- HB 38, requiring the state board of education, through the commissioner, to adopt rules relative to guidelines on notifying parents when students are absent. (Beaupre of Hil. 42 - To Education)
28, K 49
- HB 39-FN, providing for the reconstruction of a section of Prescott Road in the Town of Raymond and making an appropriation therefor.
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28, rcmt 62, am & Approp (RC) 101-102, am 263, psd 299, nonconc S am, conf 667, 682, rep adop 696, 705, enr 758 (Chapter 289)
- HB 40, relative to filing nomination papers for presidential candidates. (Carragher of Hil. 22 - To Constitutional and Statutory Revision)
28, K 58
- HB 41, relative to saltwater fishing and shellfish. (Felch of Rock. 14 - To Fish and Game)
28, am 49-50, psd 54, conc S am 262, enr 343 (Chapter 40)
- HB 42, to amend the reckless driving statute. (Nelson of Hil. 31 - To Transportation)
New title: amending the reckless driving and negligent homicide statutes.
29, am 64, psd 66, conc S am 666, enr 758 (Chapter 290)
- HB 43, requiring an annual visual acuity and hearing test for motor vehicle operators age 70 and older. (Hawkins of Bel. 5 - To Transportation)
29, K 37
- HB 44, increasing the penalty for failing to yield to pedestrians within a crosswalk. (Hawkins of Bel. 5 - To Transportation)
29, K 37
- HB 45, relative to licenses issued by the department of fish and game. (Dionne of Str. 5 et al - To Fish and Game)
29, ext 79, am 111-114, psd 131, nonconc S am, conf 665-666, 676, rep adop 692, enr am 721, enr 759 (Chapter 291)
- HB 46, relative to sealing and certifying ballots. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
New title: relative to sealing and certifying ballots and procedures for removing the assistant secretary of state.
29, psd 48, 54, conc S am 666, enr 758 (Chapter 292)
- HB 47, relative to living wills. (Daniell of Mer. 12 et al - To Judiciary)
29, am (RC) 89-93, psd 96, nonconc S am, conf 343, 457, rep adop 458, enr 549, veto overridden (RC) 672-673, veto overridden S 682, letter 711 (Chapter 157)
- HB 48, providing for the acquisition of Jones Pond dam by the department of fish and game. (Lewis of Mer. 5 - To Resources, Recreation and Development)
29, psd 50, 54, S conc 140, enr 233 (Chapter 10)
- HB 49, changing the date for observance of Memorial Day. (Mason of Hil. 8 et al - To Constitutional and Statutory Revision)
29, am (RC) 52-53, psd 54, S nonconc 457
- HB 50, prohibiting advertisement of liquor and alcoholic beverage prices. (D'Amante of Sul. 7 et al - To Regulated Revenues)
29, am 86, psd 96, S conc 342, enr 455 (Chapter 46)
- HB 51, relative to the rulemaking authority of the office of waste management. (Rounds of Graf. 10 et al - To Environment and Agriculture)
29, am 195-196, psd 231, S study 628, 783
- HB 52, increasing the fee for dealers' motor vehicle plates. (Nagel of Rock. 20; Nelson of Hil. 31 - To Transportation)
29, K 50

- HB 53, prohibiting the harassment of hunters, trappers and fishermen.
(Smith of Mer. 20 et al - To Fish and Game)
29, study 61, 783
- HB 54, relative to the maintenance of horses. (Campbell of Rock. 20;
Burkush of Hil. 43 - To Environment and Agriculture)
29, am 49, psd 54, S nonconc 140
- HB 55, authorizing the director of the division of public health services
to schedule controlled drugs. (Sytek of Rock. 20 - To Judiciary)
New title: authorizing the director of the division of public health
services to schedule controlled drugs and making an appropriation
therefor.
29, am & Approp 59-60, psd 106, 131, S conc 663, enr am 730, enr 759
(Chapter 293)
- HB 56, permitting the annulment after 7 years of criminal records for
possession of a controlled drug. (Sytek of Rock. 20; Eaton of Ches. 4
- To Judiciary)
New title: permitting the annulment after 7 years of criminal records
for possession of a controlled drug and for certain sex offenses
against minors.
29, psd 61, 66, conc S am 592, enr 695 (Chapter 205)
- HB 57, relative to the election of the members of the county convention.
(Jacobson of Mer. 2 et al - To Municipal and County Government)
29, K 85
- HB 58, relative to appeals before the board of tax and land appeals.
(Jacobson of Mer. 2 - To Ways and Means)
29, K 410
- HB 59, to prohibit blind bidding on motion pictures. (Dickinson of Car.
2; Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)
29, ext 106, psd (RC) 212-213, recon rej 230, psd 231, S nonconc 552
- HB 60, establishing granite as the state rock, beryl as the state
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al - To Constitutional and Statutory Revision)
29-30, rem 57, psd 64, 66, S conc 140, enr 233 (Chapter 11)
- HB 61, providing hunting privileges for certain convicted felons.
(Dickinson of Car. 2 - To Judiciary)
30, K 50
- HB 62, prohibiting discrimination by landlords against persons with
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30, rem 58, K (RC) 65-66
- HB 63, relative to the election of representatives to the general court
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of Keene. (Russell of Ches. 17 et al - To Constitutional and
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30, psd 48-49, 54, S conc 262, enr 302 (Chapter 31)
- HB 64, limiting the liability of persons aiding crime victims. (Newman
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30, am 83, psd 96, nonconc S am, conf 592, 670, rep adop 696, 705, enr
758 (Chapter 294)
- HB 65, increasing the legal drinking age to 21. (Newman of Rock. 24 et
al - To Regulated Revenues)
30, psd (RC) 42-43, 44, nonconc S am, conf 167, recon, conc 190, enr
233 (Chapter 3)
- HB 66, eliminating the exception of insurance from certain provisions of
the Administrative Procedure Act and excepting the bank commissioner
from certain provisions of the Administrative Procedure Act. (Crory
of Graf. 12 - To Commerce, Small Business and Consumer Affairs)
30, am 109-110, psd 131, conc S am 458, enr 549 (Chapter 73)
- HB 67, to allow a designee from the office of the attorney general to
serve on the board of trust company incorporation in place of the
attorney general. (Quimby of Rock. 7 - To Commerce, Small Business
and Consumer Affairs)

- New title: to allow a designee from the office of the attorney general and a deputy treasurer to serve on the board of trust company incorporation in place of the attorney general and the state treasurer. 30, am 48, psd 54, S conc 167, enr 233 (Chapter 12)
- HB 68, changing the dates for observance of Memorial Day and Veterans Day. (McDonald of Rock. 28; Newman of Rock. 24 - To Constitutional and Statutory Revision)
30, K 49
- HB 69, relative to seat or safety belts for children and certain other persons. (Green of Hil. 36 - To Transportation)
30, K 51
- HB 70, requiring all school children through grade 6 to be fingerprinted. (Ingram of Sul. 4 et al - To Children, Youth and Elderly Affairs)
30, rem 106, K (RC) 129-130
- HB 71, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. (Lozeau of Hil. 25 et al - To Constitutional and Statutory Revision)
New title: increasing the number of write-in votes needed for nomination for office.
30, rcmt 61, am 269, psd 299, S nonconc 568
- HB 72, relative to the submission and certification of nomination papers. (Flanagan of Rock 8 - To Constitutional and Statutory Revision)
New title: relative to the submission and certification of nomination papers and the filing period for declarations of candidacy.
30, ext 79, am 141-143, psd 159, enr 566, S conc 568 (Chapter 121)
- HB 73, preventing cruelty to live vertebrate animals in elementary and secondary school classes and science fairs. (Riley of Ches 5 et al - To Judiciary)
30, am 125-126, psd 131, S conc 390, enr 456 (Chapter 54)
- HB 74, relative to budget approval by the Hillsborough county executive committee. (Levesque of Hil. 30 - To Municipal and County Government)
30, K 60
- HB 75, relative to appeals by the state in criminal cases. (Sytek of Rock. 20 - To Judiciary)
30, am 93, psd 96, S conc 233, enr 302 (Chapter 32)
- HB 76-FN, establishing a judicial selection commission to recommend candidates for all judicial appointments. (Sylvia of Hil. 1 - To Judiciary)
30, study 145, 783
- HB 77, relative to draft registration and eligibility for college scholarships. (Ellyson of Rock. 9; Benton of Rock. 5 - To Education)
30, K 101
- HB 78, relative to resident commercial salt water licenses. (Pantelakos of Rock. 24; Dionne of Straf. 5 - To Fish and Game)
New title: relative to resident commercial salt water fishing licenses and establishing a New Hampshire-Maine marine boundary commission.
30, am 98, psd 103, nonconc S am, conf 451, 457, rep adop 547, enr am 564, enr 566, veto overridden (RC) 707-708, S sustained veto 711
- HB 79, prohibiting homosexuals from donating blood. (Ingram of Sul. 4 et al - To Judiciary)
30, rem 58, K 64
- HB 80, relative to the health insurance reimbursement agreements. (Townsend of Sul. 1 - To Commerce, Small Business and Consumer Affairs)
30, am 118-119, psd 131, conc S am 657, enr 734 (Chapter 272)
- HB 81, relative to the age of a person who could withdraw from school with parental consent. (Chandler of Car. 1 - To Education)
30, psd 97, 103, S conc 342, enr 455 (Chapter 47)

- HB 82, establishing a nursery and nursery stock act. (Campbell of Rock. 20 - To Environment and Agriculture)
30, am 81, psd 96, S conc 233, enr 302 (Chapter 33)
- HB 83, relative to "stop sale" orders for apples, potatoes and "native" farm produce. (Campbell of Rock. 20 - To Environment and Agriculture)
New title: relative to "stop sale" orders.
30, am 81-82, psd 96, S conc 233, enr 302 (Chapter 34)
- HB 84, relative to clarification of certain terms concerning special education children. (Taffe of Graf. 6 - To Education)
30, am 80, psd 96, conc S am 666, enr am 722, enr 759 (Chapter 355)
- HB 85, relative to the appeals process for special education. (Taffe of Graf. 6 - To Education)
30, am 80, psd 96, S conc 342, enr 455 (Chapter 48)
- HB 86, relative to boxing involving a person under the age of 18. (Newcombe of Hil. 25 - To Executive Departments and Administration)
30, K 110
- HB 87, providing the legislative budget assistant with access to certain records. (Kidder of Mer. 2 - To Legislative Administration)
31, ext 106, am 186-187, psd 190, nonconc S am, conf 666, 676, K 779
- HB 88-FN, providing for free transit through state toll booths for retired state employees. (Fields of Hil. 13 - To Executive Departments and Administration)
31, K 110
- HB 89-FN, requiring all moneys received for the driver training fund to be expended on driver education only, any excess to be lapsed into the highway fund. (Hawkins of Bel. 5 - To Transportation)
31, am & Approp 86-87, am 192-193, psd 230, S nonconc 664
- HB 90-FN, relative to the notice required for the adoption of the Hillsborough county budget. (Harrington of Hil. 7 - To Municipal and County Government)
31, am 60, psd 66, S conc, enr 457 (Chapter 59)
- HB 91, relative to counting absentee ballots. (Dingle of Str. 4 et al - To Constitutional and Statutory Revision)
31, psd 168, 190, enr 566, S conc 568 (Chapter 122)
- HB 92, relative to suspension of an operator's license for nonpayment of parking fines. (Newman of Rock. 24 - To Transportation)
31, rem 58, rcmt 66, rem 234, study 260, 783
- HB 93, relative to polygraph tests. (August of Hil. 6 - To Judiciary)
31, rem 141, K 157-158
- HB 94, to authorize registered nurses and physicians' assistants to withdraw blood for purposes of blood alcohol content testing and prescribing administrative forms for evidentiary purposes. (Sytek of Rock. 20 et al - To Judiciary)
31, psd 145, 159, enr 566, S conc 568 (Chapter 123)
- HB 95, limiting the grounds for eviction of tenants from certain rental units. (Quimby of Rock. 7 - To State Institutions and Housing)
31, am 99-100, psd 104, conc S am 592, enr am 707, enr 734 (Chapter 249)
- HB 96, amending certain planning and zoning statutes. (Grodin of Ches. 6 et al - To Municipal and County Government)
31, ext 106, am 170-171, psd 190, S conc 457, enr am 552-553, enr 566 (Chapter 103)
- HB 97-FN, relative to redemption after a tax sale. (Phelps of Mer. 1 - To Municipal and County Government)
32, K 86
- HB 98, relative to adopting the spotted newt as the state amphibian. (August of Hil. 6; Sen. Podles - To Public Protection and Veterans Affairs)
31, psd 61, 66, conc S am 140, enr am 455, enr 456 (Chapter 56)

- HB 99, relative to the state guard. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)
31, psd 98, 103, enr 566, S conc 569 (Chapter 144)
- HB 100, relative to speed limits in the state. (Gordon of Mer. 7 - To Transportation)
31, K 87
- HB 101-FN, relative to sunset review of small loan and vehicle finance. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
17, psd 48, 54, S conc 140, enr 233 (Chapter 13)
- HB 102-FN, relative to sunset review of the daily number game. (Kelley of Hil. 13 - To Regulated Revenues)
17, psd 172, 190, S conc 457, enr 549 (Chapter 65)
- HB 103-FN, relative to sunset review of the sweepstakes commission. (Kelley of Hil. 13 - To Regulated Revenues)
17, am 201-203, psd 231, nonconc S am, conf 570, 628, rep adop 692, enr 758 (Chapter 295)
- HB 104-FN, relative to sunset review of the pari-mutuel commission. (Kelley of Hil. 13 - To Regulated Revenues)
17, am 282, psd 299, conc S am 666, enr am 729, enr 759 (Chapter 296)
- HB 105-FN, relative to sunset review of general services and administration. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
17, am 119-123, psd 131, S conc 301, enr 455 (Chapter 55)
- HB 106-FN, relative to sunset review of the office of state negotiator. (H. Watson of Hil. 13 - To Executive Departments and Administration)
17, am 197-198, psd 231, nonconc S am, conf 570-571, 628, 673, K 779
- HB 107-FN, relative to sunset review of the environmental protection division. (Bass of Hil. 7 - To Judiciary)
17, psd 83, 96, enr 566, S conc 569 (Chapter 147)
- HB 108-FN, relative to sunset review of personnel department, administrative support division. (H. Watson of Hil. 13 - To Executive Departments and Administration)
17, am 216-222, psd 231, nonconc S am, conf 570, 628, K 779
- HB 109-FN, relative to sunset review of the division of vocational technical education. (Taffe of Graf. 6 - To Education)
17, am 80-81, psd 96, nonconc S am, conf 552, 569, rep adop 679, enr 758 (Chapter 297)
- HB 110-FN, relative to sunset review of the division of vocational rehabilitation. (Taffe of Graf. 6 - To Education)
18, psd 97, 103, S conc 627, enr 695 (Chapter 206)
- HB 111-FN, relative to sunset review of vocational rehabilitation-social security programs. (Taffe of Graf. 6 - To Education)
18, psd 97, 103, S conc 191, enr 302 (Chapter 35)
- HB 112-FN, relative to sunset review of port authority. (Pearson of Bel. 5 - To Transportation)
18, rem 234, am 260, psd 261, nonconc S am, conf 593, 670, 682, rep adop 692, enr 758 (Chapter 298)
- HB 113-FN, relative to sunset review of vocational rehabilitation. (Taffe of Graf. 6 - To Education)
18, rcmt 103, am 195, psd 231, conc S am 570, enr 674 (Chapter 232)
- HB 114-FN, relative to sunset review of vocational rehabilitation education programs. (Taffe of Graf. 6 - To Education)
18, am & Approp 269-273, am 459-460, psd 479, conc S am 570, enr am 680, enr 734, appointments 783 (Chapter 269)
- HB 115-FN, relative to sunset review of the veterans council. (Ames of Rock. 10 - To Public Protection and Veterans Affairs)
18, psd 37, 44, S conc 140, enr 233 (Chapter 14)

- HB 116-FN, relative to sunset review of estimated revenue. (Walter of Graf. 13 - To Public Works)
18, psd 37, 44, S conc 140, enr 233 (Chapter 15)
- HB 117-FN, relative to sunset review of operations and maintenance. (Walter of Graf. 13 - To Public Works)
18, am 39-40, psd 44, S conc 140, enr 233 (Chapter 16)
- HB 118-FN, relative to sunset review of division of legal counsel. (Bass of Hil. 7 - To Judiciary)
18, am 83-85, psd 96, nonconc S am, conf 658, 691, rep adop 764, 765, enr am 781-782, enr 782 (Chapter 410)
- HB 119-FN, relative to sunset review of program operations region 1. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
18, K 141
- HB 120-FN, relative to sunset review of Saco watershed commission. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, K 50
- HB 121-FN, relative to sunset review of central New Hampshire turnpike operation. (Walter of Graf. 13 - To Public Works)
18, am 40-41, psd 44, S conc 140, enr 233 (Chapter 17)
- HB 122-FN, relative to sunset review of division of criminal justice. (Bass of Hil. 7 - To Judiciary)
18, psd 85, 96, enr 567, S conc 569 (Chapter 148)
- HB 123-FN, relative to sunset review of program operations region 3. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
18, K 141
- HB 124-FN, relative to sunset review of aeronautics commission administration and support. (Pearson of Bel. 5 - To Transportation)
18, am 100, psd 104, nonconc S am, conf 669, 676, 682, rep adop 696, 705, enr 758 (Chapter 356)
- HB 125-FN, relative to sunset review of pari-mutuel laboratories. (Kelley of Hil. 13 - To Regulated Revenues)
18, psd 172, 190, S conc 457, enr 549 (Chapter 66)
- HB 126-FN, relative to sunset review of state office administration. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
New title: relative to sunset review of state office administration and making an appropriation therefor.
18, am 141, psd 159, nonconc S am, conf 667, 676, rep adop 696, 705, enr am 757, enr 760 (Chapter 395)
- HB 127-FN, relative to sunset review of senior recreation. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
18, K 141
- HB 128-FN, relative to sunset review of grants to locals. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
18, K 141
- HB 129-FN, relative to sunset review of division of public health services. (Carragher of Hil. 22 - To Health and Human Services)
18, am 114-116, psd 131, conc S am 343, enr am 593, enr 674 (Chapter 190)
- HB 130-FN, relative to sunset review of third party grants. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
18, K 141
- HB 131-FN, relative to sunset review of urban mass transportation authority. (Pearson of Bel. 5 - To Transportation)
18, K 87
- HB 132-FN, relative to sunset review of parks and recreation. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, am 203-205, psd 231, nonconc S am, conf 570, 628, 679, rep adop 711, 712, enr am 755-756, enr 760 (Chapter 389)

- HB 133-FN, relative to sunset review of estimated revenues. (Walter of Graf. 13 - To Public Works)
18, psd 37, 44, S conc 140, enr 233 (Chapter 18)
- HB 134-FN, relative to sunset review of state overhead charge. (Walter of Graf. 13 - To Public Works)
18, am 41-42, psd 44, S conc 140, enr 233 (Chapter 19)
- HB 135-FN, relative to sunset review of forestry and land resources. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, am 205-207, psd 231, S conc 551, enr 566 (Chapter 115)
- HB 136-FN, relative to sunset review of the northeastern forest fire protection commission. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, psd 50, 54, S conc 140, enr 233 (Chapter 20)
- HB 137-FN, relative to sunset review of the New Hampshire network. (Taffe of Graf. 6 - To Education)
18, am 143, psd 159, 231, conc S am 592, enr 734 (Chapter 250)
- HB 138-FN, relative to sunset review of game resources. (Powers of Car. 5 - To Fish and Game)
18, am 198, psd 231, conc S am 657, enr 733 (Chapter 251)
- HB 139-FN, relative to sunset review of central New Hampshire turnpike maintenance. (Walter of Graf. 13 - To Public Works)
18, psd 37, 44, S conc 140, enr 233 (Chapter 21)
- HB 140-FN, relative to sunset review of turnpikes administration overhead. (Walter of Graf. 13 - To Public Works)
18, psd 37, 44, S conc 140, enr 233 (Chapter 22)
- HB 141-FN, relative to sunset review of the office of waste management. (Campbell of Rock. 20 - To Environment and Agriculture)
18, am 6 & Approp 110, rem 233, SO 256, am 305, psd 340, conc S am 570, enr 674 (Chapter 192)
- HB 142-FN, relative to sunset review of agricultural regulations program. (Campbell of Rock. 20 - To Environment and Agriculture)
18, am 176-185, psd 190, conc S am 593, enr am 725-729, enr 759 (Chapter 375)
- HB 143-FN, relative to sunset review of the division of animal industry. (Campbell of Rock. 20 - To Environment and Agriculture)
18, psd 82, 96, S conc 233, enr 302 (Chapter 36)
- HB 144-FN, relative to sunset review of the New Hampshire municipal bond bank. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
18, am 123-124, psd 131, conc S am 301, enr 566 (Chapter 116)
- HB 145-FN, relative to sunset review of Maine-New Hampshire commission on oceanography. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, K 50
- HB 146-FN, relative to sunset review of the New Hampshire distributing agency. (H. Watson of Hil. 13 - To Executive Departments and Administration)
18, am 82-83, psd 96, conc S am 552, enr am 571 enr 674 (Chapter 188)
- HB 147-FN, relative to sunset review of economic development. (Dickinson of Car. 2 - To Resources, Recreation and Development)
18, am 207-210, psd 231, conc S am 592, enr am 707, enr 734 (Chapter 270)
- HB 148-FN, relative to sunset review of industrial development authority. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
18, am 213-214, psd 231, nonconc S am, conf 657, 670, 673, rep adop 696, 705, enr 758 (Chapter 357)
- HB 149-FN, relative to sunset review of the extension work in counties. (Campbell of Rock. 20 - To Environment and Agriculture)
18, am 82, psd 96, S conc 342, enr 455 (Chapter 49)

- HB 150-FN, relative to sunset review of central New Hampshire turnpike debt service. (Walter of Graf. 13 - To Public Works)
18, psd 37, 44, S conc 140, enr 233 (Chapter 23)
- HB 151-FN, relative to sunset review of program operations region 5. (E. Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
19, K 141
- HB 152-FN, relative to sunset review of travel for action. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
19, K 141
- HB 153-FN, relative to sunset review of division of consumer protection and land disclosure. (Bass of Hil. 7 - To Judiciary)
19, psd 85, 96, enr 567, S conc 569 (Chapter 149)
- HB 154-FN, relative to sunset review of eminent domain and public works and highways. (Bass of Hil. 7 - To Judiciary)
19, psd 85, 96, enr 567, S conc 569 (Chapter 150)
- HB 155-FN, relative to sunset review of the governor's commission for the handicapped. (Carragher of Hil. 22 - To Health and Human Services)
19, am 143-144, psd 159, S conc 627, enr 694 (Chapter 207)
- HB 156-FN, relative to sunset review of program operations region 6. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
19, K 141
- HB 157-FN, relative to sunset review of agricultural resources. (Campbell of Rock. 20 - To Environment and Agriculture)
19, am 82, psd 96, S conc 233, enr 302 (Chapter 37)
- HB 158-FN, relative to sunset review of training education. (Ames of Rock. 10 - To Public Protection and Veterans Affairs)
19, psd 37, 44, S conc 191, enr 302 (Chapter 38)
- HB 159-FN, relative to sunset review of adjutant general maintenance preparation force. (Ames of Rock. 10 - To Public Protection and Veterans Affairs)
19, psd 37, 44, S conc 140, enr 233 (Chapter 24)
- HB 160-FN, relative to sunset review of the air resources agency. (Campbell of Rock. 20 - To Environment and Agriculture)
30, am 196, psd 231, conc S am 593, enr 695 (Chapter 208)
- HB 161, exempting municipalities and counties from anti-trust liability in the area of solid waste disposal. (Gordon of Ches. 5 - To Environment and Agriculture)
31, am 185-186, psd 190, S conc 551, enr 566 (Chapter 79)
- HB 162, relative to powers of attorney. (Townsend of Sul. 1 - To Judiciary)
31, K 98
- HB 163, relative to closure of food service establishments. (Townsend of Sul. 1 - To Health and Human Services)
31, am 168-169, psd 190, conc S am 668, enr am 729, enr 759 (Chapter 376)
- HB 164, relative to driving while intoxicated by persons under the drinking age. (Crotty of Hil. 39 - To Judiciary)
31, K 126
- HB 165, relative to OHRV facility in the Pine River state forest. (Sullivan of Hil. 39 - To Resources, Recreation and Development)
First new title: relative to OHRV pilot projects requiring project committees; and limiting the liability of property owners relative to OHRVs and ATVs.
Second new title: limiting the liability of property owners relative to OHRVs and ATVs.
31, ext 106, 167, am 356-357, psd 389, conc S am 570, enr 674 (Chapter 193)
- HB 166, relative to the definition of antique gambling machine. (Bass of Hil. 7 - To Judiciary)
31, psd 98, 103, S conc 552, enr am 565, enr 567 (Chapter 124)

- HB 167, establishing a department of commerce. (Ward of Graf. 1 et al - To Executive Departments and Administration)
32, ext 106, 191, am 414-423, psd 451, S study 568, 783

- HB 168-FN, exempting county nursing homes and county hospitals from the state requirement of being equipped with automatic fire warning devices. (Parr of Rock. 17; LaMott of Graf. 5 - To Public Protection and Veterans Affairs)
32, ext 106, rem 233, study 258, 783

- HB 169, relative to pesticides controls. (Campbell of Rock. 20 - To Environment and Agriculture)
32, psd 82, 96, S conc 627, enr am 732, enr 759 (Chapter 384)

- HB 170, authorizing the sale of certain state prison land and allocating the proceeds of the sale. (Campbell of Rock. 20 - To State Institutions and Housing)
First new title: appropriating the proceeds of the sale of certain state prison property.
Second new title: appropriating the proceeds of the sale of certain state prison property and relative to the sale of real property which was funded by general fund appropriation.
32, am & Approp 100, rem 192, rcmt 230, am 305, psd 340, conc S am 667, enr 758 (Chapter 358)

- HB 171, relative to assaults by prisoners. (Sytek of Rock. 20; Eaton of Ches. 4 - To Judiciary)
32, am 186, psd 190, S conc 552, enr 566 (Chapter 80)

- HB 172-FN, relative to the interest and dividends tax. (Schmidtchen of Rock. 23 - To Ways and Means)
32, K 410

- HB 173-FN, establishing and making an appropriation for the New Hampshire bicentennial commission on the United States Constitution. (Chase of Car. 6 - To Appropriations)
32, am 80, psd 95-96, conc S am 670, enr 758, appointments 783-784 (Chapter 299)

- HB 174-FN, allowing owners of land in current use to use gravel and other substances from those tracts to build on-site roads and landings without changing the current use status. (Campbell of Rock. 20 - To Environment and Agriculture)
New title: allowing owners of property classified as open space land to excavate topsoil and gravel for certain purposes without changing the current use status; making sale of excavated materials a land use change; requiring reclamation; and requiring owners to keep municipal officials informed of reclamation efforts.
32, am 196, psd 231, S conc 551, enr am 565, enr 567 (Chapter 125)

- HB 175, changing the apportionment of delegates to state party conventions from certain municipalities. (Green of Hil. 36 - To Constitutional and Statutory Revision)
32, study 80, 784

- HB 176, relative to ballots for districts which elect more than one state representative to the general court. (Whittemore of Mer. 10 et al - To Constitutional and Statutory Revision)
32, K 110

- HB 177, relative to the time for holding city elections. (Disnard of Sul. 6 et al - To Constitutional and Statutory Revision)
32, K 269

- HB 178, relative to the members of the barbering and cosmetology board. (Dykstra of Hil. 39 - To Executive Departments and Administration)
32, am 110-111, psd 131, S conc 569, enr 673 (Chapter 184)

- HB 179, allowing the sale of liquor in railway dining cars stopped at terminals. (Chase of Car. 6 - To Regulated Revenues)
New title: allowing the sale of liquor in railway dining cars stopped at terminals and extending the period during which private clubs may hold events for private groups until 1987.
32, psd 86, 96, conc S am 457, enr 549 (Chapter 67)

- HB 180, establishing a department of justice. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Administration)
New title: establishing a department of justice and making an appropriation therefor.
32, am 222-230, psd 231, conc S am 667, enr am 729, enr 759 (Chapter 300)
- HB 181, relative to the national guard. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)
33, am 60, psd 66, S conc 167, enr 233 (Chapter 25)
- HB 182-FN, relative to sunset review of office of ombudsman. (Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
33, psd 141, 159, S conc 627, enr 694 (Chapter 209)
- HB 183-FN, clarifying when real estate transfer tax revenue is to be remitted to the department of revenue administration. (Kidder of Mer. 2 - To Ways and Means)
33, psd 410, 451, S conc 569, enr 673 (Chapter 158)
- HB 184-FN, relative to the disposition of moneys to be derived from the sale of property at the site of the burned out department of fish and game headquarters. (Hussey of Str. 10; Dionne of Str. 5 - To Fish and Game)
33-34, Approp 98, am 193, psd 230, conc S am 667, enr am 718-719, enr 759 (Chapter 301)
- HB 185-FN, relative to preparation for the reconstruction or replacement of the Hampton steel seawall and making an appropriation therefor. (Parr of Rock. 17 et al - To Public Works)
34, am & Approp 102-103, psd 193, 230, conc S am 673, enr 758 (Chapter 359)
- HB 186-FN, relative to the licensing of home health care providers and making an appropriation therefor. (Copenhaver of Graf. 12; Sen. Griffin - To Health and Human Services)
New title: relative to home health care providers and making an appropriation therefor, and establishing renewal dates for insurance licenses.
34, am & Approp 199, am 481-482, psd 547, nonconc S am, conf 669, 676, rep adop 696, 706, enr am 725, enr 759 appointments 784 (Chapter 302)
- HB 187, relative to antitrust liability of municipalities in planning and zoning. (Grodin of Ches. 6 - To Municipal and County Government)
45, psd 171, 190, S conc 457, enr 549 (Chapter 68)
- HB 188-FN, authorizing the director of motor vehicles to issue special number plates for firefighters. (Fields of Hil. 13 et al - To Transportation)
45, K (RC) 94-95
- HB 189-FN, relative to the tax on the transfer of real property. (Schmidtchen of Rock. 23; H. Watson of Hil. 13 - To Ways and Means)
45, rem 459, am 470, psd 479, nonconc S am, conf 601, 763, 770, rep adop 772-773, recon rej (RC) 778-779, enr am 780, enr 782 (Chapter 407)
- HB 190, permitting access to personnel files of former employees. (Blanchette of Rock. 12 - To Labor, Industrial and Rehabilitative Services)
45, psd 98, 103, S study 568, 784
- HB 191-FN, relative to the liability for the transportation for educational purposes of children in group homes or health care facilities. (Taffe of Graf. 6 - To Education)
45, K 143
- HB 192, relative to trespass by land surveyors. (Raynowska of Rock. 20 - To Judiciary)
45, K 145
- HB 193, relative to the Rockingham county jail. (Burdick of Rock. 7 - To Municipal and County Government)
45, psd 117, 131, S conc 457, enr 549 (Chapter 69)

- HB 194, relative to railroad rights-of-way. (Newcombe of Hil. 25 - To Public Works)
45, K 86

- HB 195, relative to public employee labor negotiations. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
45, psd 85, 96, S conc 191, enr 302 (Chapter 39)

- HB 196, relative to runners upon public ways. (Burdick of Rock 7 - To Public Protection and Veterans Affairs)
45, am 101, psd 104, S nonconc 552

- HB 197, establishing a teacher mentor and grant pilot program and making an appropriation therefor. (Taffe of Graf. 6 et al - To Education)
45, am & Approp 247-249, study 465, 784

- HB 198, relative to school building aid for the Conway school district. (Dickinson of Car. 2 et al - To Education)
45, ext 140, study 216, 784

- HB 199, authorizing the position of assistant county attorney for Carroll county. (MacDonald of Car. 6; McIntire of Car. 4 - To Municipal and County Government)
45, psd 117, 131, S conc 457, enr 549 (Chapter 70)

- HB 200, making an appropriation for capital improvements. (Bibbo of Mer. 3 et al - To Public Works)
31, am & Approp 62-64, rem 106, am 126-129, psd 131, nonconc S am, conf 232, 301, rep adop 343, enr 452 (Chapter 44)

- HB 201-FN, relative to interstate bank acquisition. (Quimby of Rock. 7 et al - To Commerce, Small Business and Consumer Affairs)
45, 1P (RC) 124-125

- HB 202-FN, restricting the use of dealer plates issued to motor vehicle dealers. (Phelps of Mer. 1; Palumbo of Rock. 10 - To Transportation)
45, study 100, 784

- HB 203-FN, establishing a study committee to evaluate microwave asphalt concrete road repair. (Easton of Graf. 11; Matson of Ches. 7 - To Public Works)
45, psd 99, 103, S nonconc 552

- HB 204-FN, authorizing the director of motor vehicles to issue number plates with the word "Naturally" in place of the state motto. (Arris of Hil. 19 - To Transportation)
45, K 103

- HB 205, repealing statutes affecting an agency that has been sunsetted. (Dexter of Bel. 8 et al - To Legislative Administration)
45, psd 170, 190, S conc 457, enr am 549, enr 566 (Chapter 111)

- HB 206-FN, increasing the fee for duplicate drivers' licenses. (Rogers of Mer. 6 - To Transportation)
45, K 100

- HB 207, requiring reciprocity between states before out of state milk firms can bid on New Hampshire state institution contracts. (Campbell of Rock. 20 - To Environment and Agriculture)
45, psd 143, 159, S conc 390, enr 456 (Chapter 50)

- HB 208, relative to penalties for violations of the planning and zoning statutes. (McCain of Rock. 11 et al - To Municipal and County Government)
45, am 171-172, psd 190, S conc 457, enr am 670-671, enr 694 (Chapter 210)

- HB 209, relative to gifts to the state. (Chandler of Mer. 21 - To Legislative Administration)
45, K 170

- HB 210, requiring employers who fail to properly enroll employees in the New Hampshire retirement system to pay the employee contribution. (Matson of Ches. 7 - To Executive Departments and Administration)
45, K 198

- HB 211, relative to trapping of beaver and otter. (Foss of Coos 2 - To Fish and Game)
45, psd 98, 103, conc S am 451, enr 456 (Chapter 51)
- HB 212, relative to emergency medical services. (White of Bel. 1 - To Health and Human Services)
45, K 144
- HB 213, relative to stream classification standards and enforcement. (Smith of Hil. 21 - To Resources, Recreation and Development)
46, K 210
- HB 214-FN, establishing a special fund in the highway fund for litter removal, funded by 1/15 of beer tax revenues; reimbursing the highway fund for 1985 litter removal costs and making an appropriation therefor; and transferring excess litter removal funds to the statewide lilac account. (LaMott of Graf. 5 et al - To Ways and Means)
46, rem 459, K 470
- HB 215-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Locke of Mer. 9 et al - To Transportation)
46, psd (RC) 254-256, 261, S nonconc 552
- HB 216-FN, authorizing superintendents of houses of correction and administrative heads of jails to place convicted inmates at labor on state, county or municipal work projects not to exceed 8 hours per day 5 days per week. (Murphy of Hil. 40 et al - To Judiciary)
46, K 237
- HB 217, relative to the use or nonuse of seat belts. (Gordon of Mer. 7 et al - To Transportation)
46, Study 244, 784
- HB 218-FN, reimbursing the town of Nottingham for fire fighting expenses in Pawtuckaway state park and making an appropriation therefor. (Sherburne of Rock. 2; Sen. Lessard - To Appropriations)
46, am 80, psd 96, S nonconc 664
- HB 219, increasing the age for OHRV operation and changing the penalty for unlawful OHRV operation. (Sylvia of Hil. 1 - To Fish and Game)
46, K 114
- HB 220, relative to driving while intoxicated. (Sylvia of Hil. 1 - To Judiciary)
46, K 199
- HB 221, relative to replacement or new highway signs. (Eaton of Ches. 4 - To Public Works)
46, psd 99, 104, S nonconc 552
- HB 222, legalizing the 1983 annual meeting of the New London Water System Precinct. (Kidder of Mer. 2 - To Municipal and County Government)
New title: legalizing annual meetings of the New London water system precinct and the town of New London.
46, psd 117, 131, S conc 627, enr 694 (Chapter 211)
- HB 223-FN, defining prestige number plates as vanity plates. (Gordon of Mer. 7 et al - To Transportation)
46, rem 168, K (RC) 189-190
- HB 224-FN, relative to appointments to the public utilities commission and making an appropriation therefor. (Kohl of Ches. 15 - To Commerce, Small Business and Consumer Affairs)
46, rem 106, K 130
- HB 225-FN, creating the Connecticut River Valley resource authority and making an appropriation therefor. (Miller of Ches. 1 et al - To Resources, Recreation and Development)
72, am & Approp 282-284, am 482, psd 547, nonconc S am, conf 667, 676, IP 782
- HB 226-FN, relative to automatic fire warning devices in hospital rooms. (Spaulding of Sul. 6; O'Brien of Straf. 9 - To Public Protection and Veterans Affairs)
46, rem 233, study 258, 784

- HB 227, relative to food service licensure. (Townsend of Sul. 1 - To Health and Human Services)
46, am 169, psd 190, S study 628, 784
- HB 228, relative to continuing education for real estate brokers. (Sloan of Rock. 6 - To Executive Departments and Administration)
46, study 168, 784
- HB 229, relative to safe and adequate septic systems. (Woodward of Rock. 18 - To Municipal and County Government)
46, am 145, psd 159, S conc 627, enr 694 (Chapter 212)
- HB 230, permitting a person to serve as a trustee, director, or officer of both a savings bank or cooperative bank and a limited trust company. (Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
46, psd 110, 131, S conc 301, enr 455 (Chapter 52)
- HB 231-FN, strengthening the penalties for minors who purchase liquor and alcoholic beverages. (Fields of Hil. 13 - To Regulated Revenues)
New title: strengthening the penalties for minors who purchase liquor and alcoholic beverages and amending employment of youth by licensees or permittees.
47, am 240-241, psd 261, conc S am 657, enr am 730, enr 759 (Chapter 303)
- HB 232-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee. (Sloan of Rock. 6 et al - To Resources, Recreation and Development)
New title: relative to adopting the federal boat numbering system.
47, com changed 53, ext 168, am 320-322, psd 340, nonconc S am, conf 667, 682, rep adop 711, 712, enr 759 (Chapter 377)
- HB 233-FN, to fund the acquisition of agriculture land development rights and making an appropriation therefor. (Sallada of Hil. 4 et al - To Ways and Means)
47, am & Approp 463, psd 482, 547, S conc 664, enr am 730, enr 759 (Chapter 304)
- HB 234, relative to public utility rate increases. (Young of Ches. 1; Arnott of Ches. 14 - To Commerce, Small Business and Consumer Affairs)
47, K (RC) 245-246
- HB 235, authorizing the town of Rollinsford to establish a hydroelectric reserve fund. (Dionne of Straf. 5 - To Municipal and County Government)
New title: authorizing any town or city to establish a hydroelectric fund.
47, am 199-200, psd 231, enr 567, S conc 569 (Chapter 145)
- HB 236-FN, relative to town police execution in Rockingham county of orders of arrest by district courts. (Burdick of Rock. 7 - To Municipal and County Government)
47, K 117
- HB 237, relative to the savings accounts of minors. (Millard of Mer. 4; Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
47, K 110
- HB 238, providing that certain emergency vehicles be exempt from length and weight requirements. (Hoar of Rock. 6 - To Transportation)
47, psd 118, 131, S conc 551, enr 566 (Chapter 81)
- HB 239, relative to the commissioner of public works and highways regulating the use of certain rights-of-way. (Murphy of Hil. 40 - To Public Works)
New title: relative to the commissioner of public works and highways regulating the use of certain rights-of-way and the relocation of certain public utility property.
47, psd 99, 104, nonconc S am, conf 570, 628, rep adop 679, enr am 720, enr 759 (Chapter 305)

- HB 240, relative to monopolistic activity. (Townsend of Sul. 1; Sen. Griffin - To Health and Human Services)
54, am 116, psd 131, S nonconc 262
- HB 241, eliminating the hydro-energy power promotion functions of the water resources board. (Dickinson of Car. 2; Dingle of Straf. 4 - To Resources, Recreation and Development)
54, am 172-173, psd 190, nonconc S am, conf 665, 676, K 779
- HB 242, relative to notifying abutters. (Carragher of Hil. 22 - To Municipal and County Government)
54, am 239, psd 261, S conc 569, enr 673 (Chapter 159)
- HB 243, relative to county purchasing regulations. (Ahrens of Hil. 13 - To Municipal and County Government)
54, psd 200, 231, S conc, enr 457 (Chapter 60)
- HB 244, relative to reinstatement of injured employees. (Wells of Rock. 5 - To Labor, Industrial and Rehabilitative Services)
54, K 230
- HB 245-FN, reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation therefor. (White of Bel. 1; Stio of Mer. 5 - To Appropriations)
New title: reimbursing the department of public works and highways for appraisal work performed for the department of resources and economic development and making an appropriation; and extending a lapse date to June 30, 1987.
54, am 107, psd 131, S conc 140, enr 163 (Chapter 2)
- HB 246, relative to state contract approval. (White of Bel. 1; Chamberlin of Str. 4 - To Public Works)
54, am 117, psd 131, S nonconc 552
- HB 247, relative to setting muskrat traps. (Scamman of Rock. 19 - To Fish and Game)
54, K 114
- HB 248, relative to the community development block grant program. (Quimby of Rock. 7 - To Resources, Recreation and Development)
54, psd 118, 131, S conc 457, enr 549 (Chapter 74)
- HB 249, establishing a committee to study the powers, duties and functions of sheriffs and police. (Rounds of Graf. 10 - To Public Protection and Veterans Affairs)
First new title: establishing a committee to study the possibility of dismantling county government.
Second new title: establishing committees to study county government and to study sheriffs and police; and relative to court facility budget requests.
54, am (RC) 187-188, psd 190, nonconc S am, conf 571, 628, S nonconc, new conf 690, rep adop 774, enr am 781, enr 782, appointments 784 (Chapter 411)
- HB 250-FN, requiring new cogeneration facilities to use available solid municipal wastes as an energy source. (Dickinson of Car. 2 - To Science and Technology)
54, K 145
- HB 251, establishing a committee to study the feasibility of using so-called "phantom taxes" collected by utilities to benefit the state. (Easton of Graf. 11 et al - To Commerce, Small Business and Consumer Affairs)
54, K 110
- HB 252-FN, requiring school buses used in the state which are manufactured after January 1, 1986, to be equipped with seat belts and with seat backs elevated to 28 inches. (Dexter of Bel. 8 et al - To Transportation)
54, K 244
- HB 253, relative to the Cooperative Alliance for Seacoast Transportations. (Whiting of Str. 5; Chamberlin of Straf. 4 - To Transportation)
54, psd 244-245, 261, S conc 569, enr 673 (Chapter 185)

- HB 254-FN, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. (Marsh of Coos 1 - To Public Works)
55, psd 117, 131, S conc 569, enr 673 (Chapter 160)
- HB 255-FN, to make the state barrier free code no more restrictive than the federal requirements. (LaMott of Graf. 5; Bibbo of Mer. 3 - To Public Works)
55, study 117-118, 784
- HB 256-FN, permitting the propagation and sale of ferrets for pets. (Flanagan of Rock. 8 et al - To Environment and Agriculture)
55, SO 185, K 262-263
- HB 257, relative to the restoration and rehabilitation of the Tip Top House on Mount Washington. (LaMott of Graf. 5 - To Public Works)
New title: relative to the restoration and rehabilitation of Tip Top House on Mount Washington and relative to other repairs in Mount Washington state park.
55, Approp 118, psd 193, 230, nonconc S am, conf 667, 676, rep adop 711, 712, enr am 756, enr 760 (Chapter 390)
- HB 258, relative to the motor vehicle laws. (York of Coos 8 - To Transportation)
New title: relative to the motor vehicle laws and modifying the expiration date of hazardous waste licenses issued by the commissioner of safety.
55, am 322-323, psd 340, conc S am 592, enr 695 (Chapter 213)
- HB 259-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. (Levesque of Hil. 30 et al - To Public Works)
55, am & Approp 254, am 482, psd 547, S conc 663, enr 733 (Chapter 252)
- HB 260, relative to appropriated funds in Hillsborough county. (Ahrens of Hil. 13 - To Municipal and County Government)
55, psd 239, 261, S nonconc 457
- HB 261, relative to out-of-state back-up ambulance services. (Felch of Rock. 14; Romoli of Rock. 19 - To Health and Human Services)
55, am 144, psd 159, conc S am 668, enr 758 (Chapter 306)
- HB 262, relative to the resale of tickets. (G. Watson of Hil. 13 et al - To Commerce, Small Business and Consumer Affairs)
55, am 193-194, psd 230, S nonconc 568
- HB 263, relative to legal counsel for the New Hampshire retirement system. (Krasker of Rock. 27; Ramsay of Ches. 10 - To Executive Departments and Administration)
55, K 278
- HB 264, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. (H. Watson of Hil. 13 et al - To Public Works)
55, Approp 253, psd 482, 547, S conc 663, enr 734 (Chapter 246)
- HB 265, relative to boat inspectors. (Blais of Hil. 44 - To Public Protection and Veterans Affairs)
55, psd 98, 103, S conc 569, enr am 732-733, enr 759 (Chapter 307)
- HB 266, authorizing the department of safety to join the international registration plan. (LaMott of Graf. 5 - To Transportation)
55, study 245, recon & rcmt 299, psd 448, 451, S conc 551, enr am 564-565, enr 567 (Chapter 146)
- HB 267, prohibiting the cancellation of leases, contracts, and other agreements by use of minimum and maximum gasoline or diesel fuel volume requirements. (Dickinson of Car. 2 et al - To Commerce, Small Business and Consumer Affairs)
55, study 174-175, 785
- HB 268-FN, making certain supplemental appropriations. (Kidder of Mer. 2; Sen. White - To Appropriations)
55, am 107-109, psd 131, conc S am 191, enr 233 (Chapter 4)

- HB 269, relative to sexual assault. (Newcombe of Hil. 25 - To Judiciary)
55, K 169
- HB 270, relative to the construction of a Route 102 bypass in the towns
of Derry and Londonderry and making an appropriation therefor.
(Burdick of Rock 7 - To Public Works)
55, study 145, 785
- HB 271, relative to the proper care of dogs and cats maintained as
household pets. (Dexter of Bel. 8 - To Environment and Agriculture)
55, K 143
- HB 272, relative to mortgages. (Christy of Graf. 11 - To Judiciary)
55, am 169, psd 190, S conc 457, enr am 549, enr 566 (Chapter 82)
- HB 273, relative to police employees of the university system of New
Hampshire. (Duprey of Hil. 31 - To Public Protection and Veterans
Affairs)
55, K 98-99
- HB 274, relative to the office of county attorney. (Duprey of Hil. 31 -
To Judiciary)
55, study 169, 785
- HB 275, removing double damages for injuries by dogs. (Fraser of Mer. 6
- To Judiciary)
55, am 169, psd 190, S conc 551, enr am 565, enr 567 (Chapter 126)
- HB 276, relative to powers of attorney. (Goss of Mer. 16 - To Judiciary)
55, psd 145, 159, S conc 627, enr 694 (Chapter 214)
- HB 277-FN, permitting municipalities to abate the property tax on certain
civic organizations. (Dickinson of Car. 2 - To Municipal and County
Government)
55, K 117
- HB 278, prohibiting vendors of certain goods and services from requiring
purchasers to sign blank credit slips. (Burns of Hil. 11 et al - To
Commerce, Small Business and Consumer Affairs)
55, rem 106, SO 130-131, rcmt 141, psd 267-268, 299, S nonconc 628
- HB 279-FN, relative to multi-state lotto compact and making an
appropriation therefor. (Simon of Rock. 9 et al - To Regulated
Revenues)
New title: relative to a multi-state lotto compact.
55, am 103, psd 104, S conc 342, enr am 390, enr 456 (Chapter 53)
- HB 280-FN, relative to a tri-state lotto compact. (Walter of Graf. 13 -
To Regulated Revenues)
55, K 103
- HB 281, requiring motor vehicle lights to be turned on under any
conditions in which visibility is poor. (Knight of Hil. 6 et al - To
Transportation)
55, K 174
- HB 282-FN, increasing the per diem fee paid by a racing licensee to the
town in which the racing plant is located on Saturdays and holidays.
(Sytek of Rock. 20 et al - To Regulated Revenues)
55, study 172, 785
- HB 283-FN, continuing nursing home cost incentive programs. (Nelson of
Hil. 31; Nagel of Rock. 20 - To Health and Human Services)
55, am 144-145, psd 159, nonconc S am, conf 665, 676, rep adop 696,
706, enr 758 (Chapter 308)
- HB 284, relative to the Winnepesaukee river flood protection project and
making an appropriation therefor. (White of Bel. 1 - To Public Works)
55, rem 233, am & Approp 258, rem 480, study 543, 785
- HB 285, relative to priority of liens on hazardous waste facilities.
(Whittemore of Mer. 10 et al - To Environment and Agriculture)
55, study 350, 785

- HB 286, relative to the minimum wage for youths. (Newman of Rock. 24 et al - To Labor, Industrial and Rehabilitative Services)
55-56, psd 230, 231, S conc 551, enr 566 (Chapter 83)
- HB 287, prohibiting the conduct of business on a public highway right-of-way. (Chandler of Mer. 21 et al - To Commerce, Small Business and Consumer Affairs)
56, K 168
- HB 288, relative to the personnel division, department of administrative services. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Administration)
New title: relative to the duties and responsibilities of the department of administrative services.
57, ext 191, am 424-434, psd 451, nonconc S am, conf 669 676, rep adop 696, 706, enr am 760-762, enr 762 (Chapter 399)
- HB 289-FN, imposing a 3 percent tax on the gross business profits of business organizations operating in New Hampshire for the purpose of reducing real property taxes. (Kohl of Ches. 15 - To Ways and Means)
New title: increasing the rate of the business profits tax.
57, rem 459, am (2 RC's) 470-473, psd 479, nonconc S am, conf 601, 763, 770, rep adop (RC) 773-774, enr 782 (Chapter 408)
- HB 290-FN, relative to Sunday and holiday openings of state liquor stores. (Jones of Str. 6 et al - To Regulated Revenues)
57, K 172
- HB 291-FN, making a supplemental appropriation for the board of examiners of psychologists. (Kinhan of Mer. 14 et al - To Appropriations)
57, K 109
- HB 292-FN, extending the aviation fuel toll to jet fuels and other fuels. (Labombarde of Hil. 22 - To Transportation)
57, study 245, 785
- HB 293, relative to the aeronautical fund. (Labombarde of Hil. 22 - To Transportation)
57, am & Approp 245, K 460
- HB 294, relative to the Nashua airport authority. (Labombarde of Hil. 22 - To Transportation)
57, psd 245, 261, S conc 551, enr 566 (Chapter 84)
- HB 295, relative to school district boundaries in Canterbury and Concord. (Pannell of Mer. 6 - To Education)
57, psd 195, 231, S conc 552, enr 566 (Chapter 85)
- HB 296, relative to the disorderly conduct law. (Hollingworth of Rock. 17 - To Judiciary)
57, am 169-170, psd 190, nonconc S am, conf 667, 682, rep adop 692, enr 758 (Chapter 309)
- HB 297-FN, making a supplemental appropriation to the special railroad fund. (LaMott of Graf. 5 - To Appropriations)
New title: relative to a supplemental appropriation to the special railroad fund and making the debt service on the railroads improvement bond a charge against the general fund.
57, am 109, psd 131, S nonconc 664
- HB 298-FN, making Martin Luther King's birthday a state holiday. (Blais of Hil. 44 - To Constitutional and Statutory Revision)
57, K (RC) 146-147
- HB 299, relative to the duties of the division of children and youth services. (E. Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
57, K 212
- HB 300 Not introduced
- HB 301, relative to the state committee on mosquito control. (Hollingworth of Rock. 17; Rogers of Rock. 28 - To Environment and Agriculture)
57, am 197, psd 231, S conc 551, enr 566 (Chapter 112)

- HB 302-FN, relative to foreclosure deeds and payment of real estate transfer tax. (Levesque of Hil. 30 et al - To Ways and Means)
New title: provisionally increasing the tobacco tax.
71, am 463-464, psd 479, nonconc S am, conf 601, 670, rep adop 752, enr 760 (Chapter 396)
- HB 303, establishing a residency requirement for public utility commissioners. (Pevear of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
71, K 194
- HB 304-FN, to protect communities from the fiscal impact of court-ordered placements of children. (Rehlander of Mer. 8; Jelley of Mer. 17 - To Children, Youth and Elderly Affairs)
71, Approp 234, K 460
- HB 305-FN, authorizing the barbering and cosmetology board to set fines. (Dykstra of Hil. 39; Sen. Stephen - To Executive Departments and Administration)
71, psd 198, 231, nonconc S am, conf 665, 676, K 779
- HB 306-FN, prohibiting state funding of direct abortions. (Barberia of Mer. 21 et al - To Health and Human Services)
71, LT (RC) 250-251, IP 779
- HB 307-FN, making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985. (Burns of Coos 5 et al - To Appropriations)
New title: making a supplemental appropriation for making payments to agricultural fairs for the biennium ending June 30, 1985; and relative to the distribution of racing funds.
71, am 193, psd 230, conc S am 669, enr 734 (Chapter 310)
- HB 308, excluding easements from the definition of a subdivision. (Smith of Hil. 21; Jasper of Hil. 19 - To Municipal and County Government)
71, study 354, 785
- HB 309, requiring members of ski patrols to have first aid training. (Guay of Coos 7; Coulombe of Coos 8 - To Public Protection and Veterans Affairs)
71, rem 192, K 230
- HB 310, relative to capital improvements to the administrative office building of the department of employment security and making an appropriation therefor. (Skinner of Rock. 21 - To Public Works)
71, Approp 201, psd 482, 547, S conc 663, enr 734 (Chapter 253)
- HB 311, relative to the legislative dam management review committee and the acquisition of Black reservoir dam and water rights. (Dickinson of Car. 2; Blanchard of Rock. 26 - To Resources, Recreation and Development)
71, am & Approp 173, psd 263, 299, S conc 551, enr am 565, enr 567 (Chapter 127)
- HB 312, authorizing cities and towns to operate dams and requiring public hearing on breaching of a dam or lowering water level of a pond or lake. (Dickinson of Car. 2; Blanchard of Rock. 26 - To Municipal and County Government)
71, am 316, psd 340, S conc 627, enr 694 (Chapter 215)
- HB 313, relative to the workers' compensation advisory council. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
71, psd 170, 190, S conc 551, enr 566, appointments 785 (Chapter 86)
- HB 314, to reclassify a certain highway in the town of Dunbarton. (Chandler of Mer. 21; Stio of Mer. 5 - To Public Works)
71, psd 201, 231, S conc, enr 457 (Chapter 61)
- HB 315, making an appropriation to replace a railroad bridge on the Northfield-Tilton town line. (White of Bel. 1; Randall of Bel. 3 - To Public Works)
New title: making an appropriation for general maintenance of the Northfield-Tilton railroad bridge.
71, Approp 201, psd 460, 479, conc S am 668, enr 734 (Chapter 360)

- HB 316, relative to real estate brokers' bonds. (Sloan of Rock. 6 - To Commerce, Small Business and Consumer Affairs)
71, study 268, 785
- HB 317, relative to waste lubricating oil disposal. (Bardsley of Mer. 1 et al - To Environment and Agriculture)
71, K 197
- HB 318, relative to mortgage company escrow accounts. (Lamy of Hil. 46; Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
First new title: relative to mortgage escrow accounts.
Second new title: relative to mortgage escrow accounts and jointly held safe deposit boxes.
71, am 194, psd 230, nonconc S am, conf 657, 670, rep adop 696, 706, enr 758 (Chapter 311)
- HB 319 Not introduced
- HB 320, increasing the amount of interest paid on property tax abatements. (Phelps of Mer. 1; Palumbo of Rock. 10 - To Municipal and County Government)
71, K 200
- HB 321, prohibiting the governor and council from nominating and appointing members of the house and senate to salaried positions in state government during the term for which they were elected. (Durant of Hil. 32 - To Legislative Administration)
71, study 316, 785
- HB 322-FN, eliminating the filing fee for charitable trusts when the market value of trust property is less than \$10,000. (Sallada of Hil. 4 - To Judiciary)
71, psd 170, 190, S conc 551, enr 566 (Chapter 87)
- HB 323, relative to the continuance of health care benefits for injured employees. (Burkush of Hil. 43 - To Labor, Industrial and Rehabilitative Services)
71, study 335, 785
- HB 324, relative to operation of boats on Mendums pond in the town of Barrington. (Musler of Str. 3 - To Resources, Recreation and Development)
71, K 173
- HB 325, relative to the reconstruction of Lowell Road, River Road, and Route 3-A south from Central Street in the town of Hudson to the Massachusetts state line and making an appropriation therefor. (Smith of Hil. 21 et al - To Public Works)
71, study 251, 785
- HB 326, relative to escape from county houses of correction. (Sytek of Rock 20 - To Judiciary)
71, K 170
- HB 327, relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor. (White of Bel. 1 et al - To Public Works)
First new title: relative to the Laconia by-pass in the town of Gilford and the by-pass around the town of Conway and making an appropriation therefor.
Second new title: relative to the Laconia by-pass in the town of Gilford and making an appropriation therefor.
Third new title: relative to the Laconia by-pass in the town of Gilford and the by-pass around the town of Conway and making an appropriation therefor.
71-72, am & Approp 252, am 482-483, psd 547, conc S am 673, enr 758 (Chapter 361)
- HB 328, relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E. (Lewis of Mer. 5 et al - To Resources, Recreation and Development)
New title: relative to the enforcement powers of the water supply and pollution control commission under RSA 149-E and to town health officers' inspection duties under RSA 128.
72, am 241-242, psd 261, S nonconc 628

- HB 329, relative to the authority and procedures of the energy facility and bulk power site evaluation committees. (Schwaner of Rock. 9 - To Environment and Agriculture)
72, psd 249, 261, S conc 457, enr 458 (Chapter 62)
- HB 330, relative to the taking of deer. (Pantelakos of Rock. 24 - To Fish and Game)
72, study 168, 785
- HB 331, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. (Duprey of Hil. 31 - To Judiciary)
72, K 237
- HB 332, removing the liquor commission and the department of employment security from the exception to the data processing authority of the director of information services. (Randall of Bel. 3; Gourdeau of Rock. 8 - To Science and Technology)
72, study 243-244, 785
- HB 333-FN, relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectable checks. (West of Mer. 21 - To Municipal and County Government)
New title: relative to the mailing of resident tax bills, tax liens connected with the timber tax, notification provisions regarding tax sales, and increasing fees for uncollectible checks, and making an appropriation therefor.
72, am 281-282, psd 299, conc S am 668, enr am 722-723, enr 759 (Chapter 312)
- HB 334-FN, relative to the licensing of dogs. (West of Mer. 21 - To Municipal and County Government)
72, am 282, psd 299, S study 568, 785
- HB 335, relative to procedures for charter revision or adoption. (Lussier of Straf. 8 - To Municipal and County Government)
72, psd 200, 231, enr 567, S conc 569 (Chapter 128)
- HB 336, allowing manufactured housing to be located in any residential area in a municipality. (Lussier of Straf. 8 - To Municipal and County Government)
72, study 200, 785
- HB 337, relative to the filing period for declarations of candidacy and for party committees. (Rounds of Graf. 10 - To Constitutional and Statutory Revision)
72, rem 141, am 157, psd 159, enr 567, S conc 569 (Chapter 129)
- HB 338, establishing the office of utility consumer advocate and making an appropriation therefor. (Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)
72, K 268
- HB 339 relative to state employee bargaining rights. (Hutchings of Graf. 8 - To Labor, Industrial and Rehabilitative Services)
72, psd 335, 340, S nonconc 568
- HB 340, relative to accomplices. (Scamman of Rock. 19 - To Judiciary)
72, K 237
- HB 341, providing for an access ramp to interstate 95 in the town of North Hampton and making an appropriation therefor. (Scamman of Rock. 19 - To Public Works)
73, study 201, 785
- HB 342-FN, increasing the amount of the tax exemption for post-secondary institutions. (Walker of Rock. 17 et al - To Education)
73, rem 263, am & Approp 297-298, K 460
- HB 343, making a supplemental appropriation for assigned counsel for indigent defendants. (Sytek of Rock. 20 - To Appropriations)
73, K 141
- HB 344, repealing the mini Davis-Bacon act. (Dickinson of Car. 2 - To Labor, Industrial and Rehabilitative Services)
73, study 335, 786

- HB 345, relative to 4 year terms for the secretary of state and the state treasurer. (Flanagan of Rock. 8; Krasker of Rock. 27 - To Constitutional and Statutory Revision)
73, rcmt 147, am 246-247, psd 261, S nonconc 568
- HB 346, establishing an instructional equipment special fund and making an appropriation therefor. (Walker of Rock. 17 et al - To Education)
73, study 273, 786
- HB 347-FN, relative to the current use tax. (Whittemore of Mer. 10 et al - To Environment and Agriculture)
73, am 235, psd 260, S conc 551, enr 566 (Chapter 88)
- HB 348-FN, establishing term life insurance for any governor, governor-elect or acting governor and making an appropriation therefor. (Malcolm of Rock. 17; Hollingworth of Rock. 17 - To Executive Departments and Administration)
New title: establishing term life insurance for any governor.
73, am 291-292, psd 300, S conc 569, enr 673 (Chapter 186)
- HB 349-FN, relative to educationally related services. (Taffe of Graf. 6 et al - To Education)
73, am 273, psd 299, conc S am 666, enr 734 (Chapter 313)
- HB 350-FN, providing that property tax exemptions for the elderly be indexed to reflect increases or decreases in the cost of living. (Welch of Rock. 10; Ames of Rock. 10 - To Municipal and County Government)
73, K 200
- HB 351, increasing the appropriation for construction and improvements to the central New Hampshire turnpike. (Levesque of Hil. 30 et al - To Public Works.
New title: increasing the appropriation for construction and improvements to the central New Hampshire turnpike and naming certain bridges and highways.
73, Approp 254, am 483, psd 547, nonconc S am, conf 667, 676, rep adop 692, enr am 756, enr 760 (Chapter 391)
- HB 352-FN, establishing a study committee to resolve the erosion problem affecting the NH coastline and making an appropriation therefor. (Hollingworth of Rock. 17 et al - To Environment and Agriculture)
New title: authorizing the office of state planning to undertake a study of the coastline erosion problems and making an appropriation therefor.
73, am & Approp 277-278, psd 537-538, 548, S nonconc 664
- HB 353, relative to rehabilitation of the Nashua-Bennington and Concord-Claremont rail lines and making an appropriation therefor. (LaMott of Graf. 5; Guay of Coos 7 - To Public Works)
New title: relative to the rehabilitation of certain rail lines and making an appropriation therefor.
Second new title: relative to rehabilitation of certain rail lines and making an appropriation therefor.
73, am & Approp 294, am 483-484, psd 547 (K)
- HB 354, eliminating the checkout procedure on election day. (Kelley of Hil. 13 et al - To Constitutional and Statutory Revision)
73, K 168
- HB 355, to acquire abandoned railroad lines and making an appropriation therefor. (Ingram of Sul. 4 - To Public Works)
73, am & Approp 294-295, psd 465, 479, S conc 663, enr 734 (Chapter 254)
- HB 356-FN, exempting certain transfers between brothers and sisters from NH's inheritance tax. (Crory of Graf. 12 - To Ways and Means)
73, am 410, psd 451, S conc 569, enr 673 (Chapter 161)
- HB 357, making an appropriation to the sweepstakes special fund. (Rounds of Graf. 10 - To Appropriations)
73, K 390
- HB 358, relative to driver's license revocations under the implied consent law. (Eaton of Ches. 4 - To Judiciary)
73, psd 199, 231, S conc 552, enr 566 (Chapter 89)

- HB 359, relative to driver's license revocation appeals. (Eaton of Ches. 4 - To Transportation)
73, psd 323, 340, S conc 569, enr 673 (Chapter 162)
- HB 360, relative to the penalty for escape from a house of correction. (Eaton of Ches. 4 - To Judiciary)
73, psd 237, 261, S conc 552, enr 566 (Chapter 90)
- HB 361, relative to loitering. (Eaton of Ches. 4 - To Judiciary)
73, am 279, psd 299, conc S am 658, enr 734 (Chapter 255)
- HB 362, relative to restitution. (Eaton of Ches. 4 - To Judiciary)
73, psd 237, 261, S conc 552, enr am 565, enr 567 (Chapter 130)
- HB 363, relative to the issuance of bad checks. (Eaton of Ches. 4 - To Judiciary)
73, am 279, psd 299, S conc 569, enr 673 (Chapter 163)
- HB 364, relative to privileged communications for certified psychologists, pastoral counselors, and social workers. (Jensen of Bel. 6 et al - To Executive Departments and Administration)
73, K 393
- HB 365, relative to a study of the traffic problems on Rt. 102 in the town of Derry. (Bangs of Rock. 7 et al - To Public Works)
73, study 239, 786
- HB 366, relative to the 1927 and 1983 New Hampshire coordinate systems. (Hollingworth of Rock. 17 - To Science and Technology)
73, am 382-383, psd 389, S conc 627, enr 694 (Chapter 216)
- HB 367, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. (Duprey of Hil. 31 - To Judiciary)
73, com changed 79, K 268
- HB 368-FN, reducing the fee for vanity plates. (Labombarde of Hil. 22 - To Transportation)
73, psd 297, 300, S nonconc 568
- HB 369-FN, relative to maintaining the Old Man of the Mountain and making an appropriation therefor. (Densmore of Graf. 3; King of Graf. 6 - To Resources, Recreation and Development)
New title: relative to maintaining the Old Man of the Mountain and making an appropriation therefor and relative to park vending machines.
73, psd 210-211, 231, conc S am 669, enr 734 (Chapter 314)
- HB 370, permitting the industrial development authority to issue industrial development revenue bonds for commercial facilities within a development district. (Quimby of Rock. 7 - To Commerce, Small Business and Consumer Affairs)
73, am 194-195, psd 230, S study 628, 786
- HB 371, to restore the curative statute for deeds defectively witnessed. (Sanderson of Rock. 25; Lown of Hil. 9 - To Judiciary)
73, psd 237, 261, S conc 552, enr 566 (Chapter 91)
- HB 372, conforming the state pollution laws to federal standards for the purpose of the National Pollutant Discharge Elimination System permit program. (Matson of Ches. 7 - To Resources, Recreation and Development)
74, psd 242, 261, S nonconc 628
- HB 373, relative to terms of appointment and boards and commissions. (Whitemore of Mer. 10 et al - To Executive Departments and Administration)
First new title: relative to terms of appointment and administratively attached agencies.
Second new title: relative to terms of appointment of commissioners and division directors.
74, am 434, psd 451, nonconc S am, conf 665, 676, rep adop 774, enr 782 (Chapter 418)
- HB 374-FN, relative to making a supplemental appropriation to distribute sweepstakes funds received in excess of the original estimate. (King of Graf. 12; Krasker of Rock. 27 - To Appropriations)
74, am 390-391, psd 451, S nonconc 664

- HB 375, relative to hazardous waste facilities. (H. Watson of Hil. 13 et al - To Environment and Agriculture)
74, study 350, 786

- HB 376-FN, establishing a forensic polygraph licensing board. (Burkush of Hil. 43 - To Executive Departments and Administration)
74, K 198

- HB 377, making the provision of services to persons who have not obtained necessary building or other town permits a misdemeanor. (Hoar of Rock. 6 - To Commerce, Small Business and Consumer Affairs)
74, rem 168, K 188-189

- HB 378-FN, relative to funding the special railroad fund and making a supplemental appropriation therefor. (Newcombe of Hil. 25 et al - To Public Works)
74, K 295

- HB 379, excluding income derived from notes or bonds of political subdivisions of the state from taxation under the interest and dividends tax. (Reardon of Hil. 37 - To Ways and Means)
74, psd 410, 451, S conc 569, enr 673 (Chapter 164)

- HB 380, relative to the tax on municipal bonds. (Knight of Hil. 6 - To Ways and Means)
74, K 410

- HB 381-FN, providing free trapping licenses for persons over 68 years of age. (Scamman of Rock. 19 - To Fish and Game)
74, K 236

- HB 382, relative to requiring school administrative unit superintendents to prepare annual budget reports. (LaMott of Graf. 5 - To Education)
74, am 274, psd 299, S conc 552, enr 566 (Chapter 92)

- HB 383, relative to making a supplemental appropriation for the tuition and transportation costs of regional vocational students. (Bolduc of Bel. 10 et al - To Appropriations)
First new title: making a supplemental appropriation for certain costs of regional vocational students and the payment of debt service for school construction.
Second new title: making appropriations for regional vocational students, regional vocational centers, educational financial aid, and the payment of debt service for school construction and relative to expenses for out-of-state travel and sweepstakes fund distribution.
74, am 234, psd 260, nonconc S am, conf 669, 682, rep adop 764, 765, enr am 780, enr 782 (Pocket veto)

- HB 384, relative to the time for holding school district elections in Claremont. (Spaulding of Sul. 6 - To Education)
74, K 274

- HB 385, making an additional appropriation for the final plans and construction of the south bound return ramp in Manchester. (LaMott of Graf. 5; O'Rourke of Hil. 35 - To Public Works)
74, am & Approp 253, psd 538, 548, S conc 663, enr 695 (Chapter 234)

- HB 386-FN, establishing a bureau of international trade and a non-profit corporation to promote New Hampshire businesses and products overseas, and making an appropriation therefor. (Hutchings of Graf. 8 et al - To Commerce, Small Business and Consumer Affairs)
74, study 195, 786

- HB 387-FN, relative to funds for the automated information system in the state library. (Skinner of Rock. 21 - To State Institutions and Housing)
74, psd 174, 190, enr 567, S conc 568 (Chapter 131)

- HB 388-FN, expanding the exemption available for stepchildren and stepparents under the legacy and succession tax. (Dickinson of Car. et al - To Ways and Means)
New title: relative to the exemption available for stepchildren and stepparents under the legacy and succession tax.
74, am 410-411, psd 451, S conc 569, enr 673 (Chapter 165)

- HB 389-FN, relative to village water districts. (Jacobson of Mer. 2 - To Municipal and County Government)
74, K 200
- HB 390-FN, changing the funding of special education and making an appropriation therefor. (Campbell of Rock. 20 - To Education)
74, K 195
- HB 391, establishing an east-west toll road from Route I-393 in Concord to the Spaulding Turnpike in Dover and making an appropriation therefor. (LaMott of Graf. 5 et al - To Public Works)
74, am & Approp 253, rem 480, study 543, 786
- HB 392-FN, relative to special plates for former prisoners of war. (Lamontagne of Coos 7 - To Municipal and County Government)
74, psd 230, 231, S conc 457, enr 458, veto overridden (RC) 685-686, S sustained veto 711
- HB 393-FN, relative to the water supply and pollution control commission and making an appropriation therefor. (LaMott of Graf. 5 - To Resources, Recreation and Development)
74, Approp 173-174, psd 263, 299, S conc 663, enr 734 (Chapter 256)
- HB 394-FN, relative to liability for educationally handicapped children who transfer to a different school district. (Hardy of Bel. 4; Brown of Bel. 4 - To Education)
74, K 274
- HB 395-FN, establishing a commission on the family and making an appropriation therefor. (Jacobson of Mer. 2 - To Judiciary)
74, K 279
- HB 396, relative to special moped licenses. (Jacobson of Mer. 2 - To Transportation)
74, K 287
- HB 397-FN, establishing a commission to study the recodification of state laws on municipalities. (Jacobson of Mer. 2 - To Municipal and County Government)
74, psd 239, 261, conc S am 666, enr 734, appointments 786 (Chapter 362)
- HB 398-FN, relative to mandatory mediation and making an appropriation therefor. (Jacobson of Mer. 2 - To Judiciary)
74, am & Approp 279-280, psd 538, 548, S study 786
- HB 399-FN, establishing a domestic relations commissioner pilot program and making an appropriation therefor. (Jacobson of Mer. 2 - To Judiciary)
74, study 280, 786
- HB 400, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1986, and June 30, 1987. (Kidder of Mer. 2 - To Appropriations)
341, S Ct opin req 458, am (RC) 492-537, psd 548, S Ct opin printed 660-663, nonconc S am, conf (RC) 671-672, 682, rep adop (RC) 771-772, enr 780 (Chapter 406)
- HB 401-FN, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson of Mer. 2 - To Judiciary)
74, study 280, 786
- HB 402-FN, determining financial liability for certain educationally handicapped children under the supervision of the division for children and youth services and making an appropriation therefor. (Taffe of Graf. 6; Boucher of Rock. 23 - To Education)
74-75, study 274, 786
- HB 403-FN, licensing commercial animal training, boarding, and grooming facilities. (Scamman of Rock. 19 - To Executive Departments and Administration)
75, K 236

- HB 404-FN, deleting the requirement for district court sessions in Epping. (Gage of Rock. 13 - To Judiciary)
75, psd 312, 340, conc S am 657, enr am 730, enr 759 (Chapter 315)
- HB 405-FN, establishing a care management system for the elderly and making an appropriation therefor. (Joslyn of Rock. 20 et al - To Children, Youth and Elderly Affairs)
75, study 234, 786
- HB 406-FN, relative to chronic disease prevention, assessment, and control and making an appropriation therefor. (Spaulding of Sul. 6 et al - To Health and Human Services)
75, am & Approp 292-293, psd 484, 547, nonconc S am, conf 669, 681, 691, rep adop 692, enr am 757, enr 760 (Chapter 392)
- HB 407, relative to licensing tattoo parlors. (Copenhaver of Graf. 12 - To Executive Departments and Administration)
New title: allowing towns to regulate tattooing facilities.
75, am 236, psd 261, S conc 457, enr 549 (Chapter 71)
- HB 408-FN, establishing a committee to study the feasibility of divestiture of state liquor stores and making an appropriation therefor. (Hollingworth of Rock. 17 et al - To Regulated Revenues)
75, K 172
- HB 409-FN, authorizing a municipal road pay-back fee system. (Golden of Bel. 7; King of Rock 4 - To Municipal and County Government)
75, study 316, 786
- HB 410-FN, relative to the resolution of public employee labor disputes. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
75, study 313, 786
- HB 411, amending the corporate charter of the Laconia airport authority. (Pearson of Bel. 5 et al - To Municipal and County Government)
75, am 317, psd 340, S conc 569, enr 673 (Chapter 166)
- HB 412, allowing Newmarket to separate from school administrative unit number 14. (Blanchette of Rock. 12 - To Education)
75, psd 413, 451, conc S am 552, enr 566 (Chapter 118)
- HB 413, transferring the town of Barnstead from the Laconia district court to the Pittsfield district court. (Golden of Bel. 7 - To Judiciary)
75, S Ct opin req 304, opin printed 623-625, psd 625, S conc 670, enr 734 (Chapter 271)
- HB 414, relative to the purchasing authority of the director, division of plant and property management. (White of Bel. 1 - To Executive Departments and Administration)
75, ext 191, am 393, psd 451, S conc 569, enr 673 (Chapter 167)
- HB 415-FN, making an appropriation for an adult dental program for AFDC recipients. (Wallner of Mer. 18; Diamant of Str. 3 - To Health and Human Services)
75, K 251
- HB 416-FN, making an appropriation to increase the amount allocated for rent in the AFDC grant. (Diamant of Str. 3 - To Health and Human Services)
New title: making an appropriation to increase the amount allocated for shelter costs in the AFDC grant and to allow consolidation to one shelter maximum and one basic maintenance allowance table.
75, am & Approp 279, K 538
- HB 417-FN, increasing the tax on gross receipts from boxing bouts. (Newcombe of Hil. 25 - To Ways and Means)
75, K 468
- HB 418-FN, relative to motor vehicle registration fees. (West of Mer. 21 - To Municipal and County Government)
75, am 282, psd 299, S conc 551, enr 566 (Chapter 93)
- HB 419-FN, clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities;

- authorizing additional personnel under the oil pollution control program and making an appropriation therefor. (Chardon of Coos 6 - To Resources, Recreation and Development)
- First new title: clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program; relative to rulemaking authority of the office of waste management; and making an appropriation therefor.
- Second new title: clarifying the authority of the water supply and pollution control commission with respect to underground storage facilities; authorizing additional personnel under the oil pollution control program.
- 75, am & Approp 242-243, am 538, psd 548, conc S am 666, enr am 724-725, enr 759 (Chapter 287)
- HB 420-FN, relative to proceeds from furbearers confiscated or acquired by the department of fish and game. (Dionne of Str. 5 - To Fish and Game)
- 75, psd 198-199, 231, S conc 627, enr 694 (Chapter 217)
- HB 421-FN, appropriating funds for facilities for severely and chronically developmentally disabled and severely emotionally disturbed children. (Taffe of Graf. 6; Boucher of Rock. 23 - To Education)
- First new title: relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children.
- Second new title: relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor.
- Third new title: relative to facilities for severely and chronically developmentally disabled and severely emotionally disturbed children and making an appropriation therefor and relative to the excellence in education program.
- 76, am & Approp 274-275, am 484-485, psd 547, conc S am 673, enr am 724, enr 759, appointments 786-787 (Chapter 317)
- HB 422-FN, relative to the training of dogs. (Sherburne of Rock. 2 - To Fish and Game)
- 76, am 249-250, psd 261, S conc 627, enr 710 (Chapter 247)
- HB 423, authorizing municipalities to issue revenue bonds. (Gross of Mer. 16; Sen. McLane - To Municipal and County Government)
- 76, K 317
- HB 424, relative to placing a candidate's name on the ballot when he is the candidate of more than one party. (Guay of Coos 7 - To Constitutional and Statutory Revision)
- 76, K 168
- HB 425-FN, relative to the real estate transfer tax. (Guay of Coos 7 - To Ways and Means)
- 76, K 464
- HB 426-FN, relative to pharmacy inspectors and making an appropriation therefor. (Sytek of Rock. 20 - To Executive Departments and Administration)
- 76, Approp 198, am 391, psd 451, conc S am 667, enr 758 (Chapter 363)
- HB 427-FN, increasing the per diem for members of the public employee labor relations board. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
- 76, Approp 170, psd 263, 299, S conc 663, enr 734 (Chapter 257)
- HB 428-FN, relative to mortgage home loans. (Lamy of Hil. 46; Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
- 76, am (RC) 371-373, psd 389, nonconc S am, conf 657, 670, rep adop 711, enr am 755, enr 760 (Chapter 397)
- HB 429-FN, appropriating funds for participation in the federal groundwater mapping program. (LaMott of Graf. 5 et al - To Resources, Recreation and Development)
- 76, Approp 174, am 263, psd 299, S conc 552, enr 566 (Chapter 77)
- HB 430-FN, to subdivide the youth development center campus and apply the proceeds to establish regional youth facilities. (Bibbo of Mer. 3; LaMott of Graf. 5 - To State Institutions and Housing)
- 76, study 174, 787

- HB 431-FN, amending the business profits tax. (Jones of Str. 6; Sen. Blaisdell - To Ways and Means)
76, study 411, 787
- HB 432-FN, making an appropriation to the small business development program. (Walker of Rock. 17; LaMott of Graf. 5 - To Education)
76, K 275
- HB 433-FN, establishing an academy of science, arts, and technological innovation. (Newell of Rock. 7 et al - To Science and Technology)
76, SO 339, Approp 343, rem 459, study 469, 787
- HB 434-FN, relative to missing children and making an appropriation therefor. (Hollingworth of Rock. 17 et al - To Children, Youth and Elderly Affairs)
76, am & Approp 263-267, psd 485, 547, nonconc S am, conf 667, 682, rep adop 692, enr am 719-720, enr 759 (Chapter 318)
- HB 435, relative to repairing the Hampton Beach state park and the seashell at Hampton Beach and making an appropriation therefor. (Hollingworth of Rock. 17 et al - To Public Works)
76, LT 295, IP 779
- HB 436-FN, relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor. (F. Torr of Str. 6 et al - To Public Works)
First new title: relative to a study on the construction of a cloverleaf intersection at exit 9 on the Spaulding Turnpike and making an appropriation therefor; and relative to any exception for highway building equipment.
Second new title: relative to a study of the construction of a cloverleaf intersection at exit 9 on the Spaulding turnpike and making an appropriation therefor; and relative to an exception for highway building equipment.
76, am & Approp 253, am 485, psd 547-548, conc S am 667, enr am 724, enr 759 (Chapter 319)
- HB 437-FN, relative to an engineering study of the intersection of Route 9 and Route 155 and making an appropriation therefor. (F. Torr of Str. 6 et al - To Public Works)
76, am & Approp 253-254, K 460
- HB 438-FN, relative to Route 16 from the town of Gorham to the town of Glen and making an appropriation therefor. (Guay of Coos 7 et al - To Public Works)
76, am & Approp 252-253, rem 459, study 469, 787
- HB 439-FN, relative to the financing of regional planning commissions and making an appropriation therefor. (Perry of Ches. 10 et al - To Resources, Recreation and Development)
76, am & Approp 211, K 460
- HB 440-FN, relative to sovereign immunity. (Sytek of Rock. 20; Sen. Boyer - To Judiciary)
76, S Ct opin req 304-305, opin printed, am & psd 696-705, S conc 764, enr am 780, enr 782 (Chapter 412)
- HB 441-FN, relative to simulcast racing. (Rounds of Graf. 10 et al - To Regulated Revenues)
76, rem 233, am & Approp 258-260, am (RC) 465-467, psd 479, S conc, enr 550 (Chapter 58)
- HB 442-FN, providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor. (Walker of Rock. 17 et al - To Education)
New title: providing an incentive to attract out-of-state students to New Hampshire and making an appropriation therefor, relative to suspension of the millage formula, and establishing a new formula for distributing foundation aid to school districts.
76, Approp 275, psd 485, 548, conc S am (RC) 709-710, enr 710 (Chapter 244)
- HB 443-FN, establishing the division of fleet administration and making an appropriation therefor. (LaMott of Graf. 5; Sen. White - To Executive Departments and Administration)

- First new title: establishing the central interagency motorpool study committee.
- Second new title: establishing the central interagency motorpool study committee and making an appropriation therefor.
- 76, am 393, psd 451, nonconc S am, conf 669, 682, rep adop 711, 712, enr am 755, enr 760, appointments 787 (Chapter 393)
- HB 444-FN, transferring costs of court facilities to the state and making an appropriation therefor. (Sytek of Rock. 20 et al - To Judiciary)
- 76, am & Approp 293, am 485-486, psd 548, conc S am 668, enr am 731, enr 759 (Chapter 404)
- HB 445-FN, relative to local probation services and making an appropriation therefor. (Sytek of Rock. 20 et al - To Judiciary)
- First new title: appropriating funds for local probation services and relative to the duties of the select commission to study a unified court system.
- Second new title: relative to local probation services and to the duties of the select commission to study a unified court system.
- 76, am & Approp 293, am 486-487, psd 548, conc S am 667, enr 758, appointments 787 (Chapter 364)
- HB 446-FN, relative to catastrophic aid to school districts and making an appropriation therefor. (Taffe of Graf. 6 et al - To Education)
- New title: relative to catastrophic aid to school districts.
- 76, Approp 275, am 538-539, psd 548, conc S am 666, enr 758 (Chapter 320)
- HB 447-FN, relative to distribution of assets seized in controlled drug arrests and appropriating certain proceeds to the drug forfeiture fund. (Sytek of Rock. 20 et al - To Judiciary)
- 76-77, K 312
- HB 448-FN, relative to the radiological health program. (Labombarde of Hil. 22 - To Health and Human Services)
- 77, study 236, 787
- HB 449, relative to marriages of minors and waiver of the waiting period for marriage. (Gordon of Mer. 7 - To Judiciary)
- New title: relative to marriages of minors, waiver of the waiting period for marriage and waiver fees and copy costs.
- 77, am 237-238, psd 261, S study 628, 787
- HB 450-FN, relative to control and eradication of milfoil, authorizing additional personnel and making an appropriation therefor and repealing an obsolete provision. (Dexter of Bel. 8; Sen. Heath - To Resources, Recreation and Development)
- New title: establishing a research program for eradication and control of milfoil at the University of New Hampshire and making an appropriation therefor.
- 77, am & Approp 284, K 460
- HB 451-FN, relative to fees charged by the wetlands board and making an appropriation for dam inspection. (LaMott of Graf. 5 - To Resources, Recreation and Development)
- 77, am & Approp 174, psd 263, 299, S conc 551, enr am 564, enr 567 (Chapter 132)
- HB 452-FN, relative to multicounty grand juries. (Sytek of Rock. 20 - To Judiciary)
- 77, psd 238, 261, enr 567, S conc 569 (Chapter 133)
- HB 453, relative to theft of utility services. (Sytek of Rock. 20 - To Judiciary)
- 77, psd 238, 261, S conc 568, enr 567 (Chapter 134)
- HB 454, relative to courtroom security. (Sytek of Rock. 20 - To Judiciary)
- New title: relative to courtroom security and arrests.
- 77, am 395, psd 451, conc S am 658, enr 734 (Chapter 258)
- HB 455-FN, establishing a task force to develop a teacher evaluation model and training component and making an appropriation therefor. (Robinson of Hil. 14 et al - To Education)
- 77, am & Approp 275-276, K 467

- HB 456-FN, relative to a forgivable loan program and making an appropriation therefor. (Taffe of Graf. 6 et al - To Education) 77, am & Approp 276, psd 456, 548, S study 664, 788
- HB 457-FN, relative to foundation aid to certain school districts. (Robinson of Hil. 14 et al - To Education) 77, am 413-414, psd 451, S conc 627, enr am 733, enr 759 (Chapter 365)
- HB 458-FN, relative to current use assessment and making an appropriation therefor. (Taffe of Graf. 6 - To Environment and Agriculture) 77, K 235
- HB 459-FN, establishing a local water protection assistance program and making an appropriation therefor. (Woodward of Rock. 18 et al - To Resources, Recreation and Development) 77, am & Approp 284-286, rem 459, study 469-470, 788
- HB 460-FN, relative to the board of examiners of psychologists and making an appropriation therefor. (Kinhan of Mer. 14 et al - To Executive Departments and Administration) 77, Approp 278, K 391
- HB 461-FN, relative to funding the various veterans' programs in the state and making an appropriation therefor. (King of Rock. 4 et al - To Public Protection and Veterans Affairs) 77, am & Approp 200-201, am 539-540, psd 548, conc S am 668, enr am 721, enr 759 (Chapter 321)
- HB 462, transferring liquor investigators from group I to group II in the New Hampshire retirement system. (Blanchette of Rock. 12 et al - To Executive Departments and Administration)
New title: relative to transferring liquor investigators from group I to group II in the New Hampshire retirement system, and group II member and employer contributions relative to FICA payments. 77, ext 191, rem 390, am & Approp 449-450, K 467-468
- HB 463-FN, allowing forfeiture to the state of certain property used in the perpetration of a crime, with proceeds from the sale of such property to be used to compensate the crime victim. (Young of Ches. 1 - To Judiciary) 77, K 238
- HB 464-FN, making an appropriation for the hiring of building service workers. (Gordon of Mer. 7 - To Executive Departments and Administration) 77, K 278
- HB 465-FN, creating a source of funds to provide support for the arts and making an appropriation therefor. (Krasker of Rock. 27 et al - To Education) 77, Approp 277, psd 540, 548, S nonconc 628
- HB 466-FN, relative to highway billboards, off and on premise signs. (Lewis of Mer. 5; Dickinson of Car. 2 - To Resources, Recreation and Development) 77, am & Approp 286, psd 540, 548, nonconc S am, conf 665, 676, rep adop & new conf 711, 712, S refused new conf 754
- HB 467-FN, imposing a narrow-based sales tax to benefit education. (Sherburne of Rock. 2 - To Ways and Means) 77, K 411
- HB 468-FN, relative to the Smith dam in the town of West Wilton and making an appropriation therefor. (Mason of Hil. 8 - To Resources, Recreation and Development) 77, K 243
- HB 469-FN, providing that 10 percent of business profits tax revenues be deposited in special account in the highway fund. (Smith of Hil. 21 et al - To Ways and Means) 77, K 464
- HB 470-FN, relative to homemaker services. (MacDonald of Rock. 28 et al - To Health and Human Services) 77, am & Approp 236-237, K 460

- HB 471-FN, transferring certain division of forests and lands employees of the department of resources and economic development from group I to group II of the New Hampshire retirement system and making an appropriation therefor. (Matson of Ches. 7 - To Executive Departments and Administration)
77, K 278
- HB 472-FN, establishing a division of information technology and planning within the department of administrative services and making an appropriation therefor. (Randall of Bel. 3 - To Executive Departments and Administration)
77, com changed 140, study 244, 788
- HB 473-FN, establishing a fund for data processing projects and making an appropriation therefor. (Randall of Bel. 3 - To Science and Technology)
77, study 244, 788
- HB 474-FN, relative to training seminars for department, division and bureau heads and making an appropriation therefor. (Randall of Bel. 3 - To Science and Technology)
77, study 244, 788
- HB 475-FN, directing the division of information services, department of administrative services, to conduct a statewide resource and information data base study and making an appropriation therefor. (Randall of Bel. 3 - To Science and Technology)
77-78, study 244, 788
- HB 476-FN, relative to the health services competition law and making an appropriation therefor. (Townsend of Sul. 1 - To Health and Human Services)
78, am & Approp 323-334, am 540, psd 548, conc S am 668, enr am 724, enr 759 (Chapter 378)
- HB 477-FN, making an appropriation to and certain other changes in the New Hampshire incentive program. (Walker of Rock. 17 et al - To Education)
78, am & Approp 287-289, am 540, psd 548, S nonconc 664
- HB 478-FN, establishing fees for the certification or training of certain persons who care for alcohol and drug abuse patients and eliminating authority to create a revolving fund for interest free loans to finance certain expenses. (Jones of Str. 6 et al - To Health and Human Services)
78, Approp 237, psd 487, 548, S conc 627, enr 694 (Chapter 218)
- HB 479-FN, establishing an alcohol and drug abuse prevention fund. (Jones of Str. 6 et al - To Ways and Means)
78, Approp 411, K 460
- HB 480-FN, creating the north country development foundation. (King of Graf. 6 et al - To Resources, Recreation and Development)
78, Approp 243, am 541, psd 548, S nonconc 664
- HB 481-FN, creating a nonlapsing fund to provide handicapped persons with gainful employment and making an appropriation therefor. (Boucher of Rock. 23 - To Labor, Industrial and Rehabilitative Services)
78, K 238
- HB 482-FN, relative to telecommunication services for the deaf, hearing impaired, and speech impaired and making an appropriation therefor. (Nelson of Hil. 31; Nagel of Rock. 20 - To Commerce, Small Business and Consumer Affairs)
78, am & Approp 268, psd 487, 548, conc S am 668, enr am 724, enr 759 (Chapter 322)
- HB 483-FN, relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1950-51 school year. (Robinson of Mer. 3; Johnson of Mer. 5 - To Executive Departments and Administration)
New title: relative to creditable service in the New Hampshire retirement system for currently active teachers who taught prior to but not during the 1949-50 school year.
78, am & Approp 393-394, psd 487, 548, S conc 663, enr 734 (Chapter 273)

- HB 484-FN, relative to the general fund distribution to cities and towns. (Jacobson of Mer. 2 - To Appropriations)
78, rem 233, K (RC) 256-257
- HB 485-FN, relative to the number plate fund. (LaMott of Graf. 5 - To Public Works)
78, am & Approp 239-240, am 460-461, psd 479, S conc 663, enr am 730-731, enr 759 (Chapter 323)
- HB 486-FN, authorizing the board of governors to sell or lease certain property owned by the vocational-technical institutions and continually appropriating the income from such sales or leases. (Brideau of Coos 8 et al - To Education)
First new title: authorizing the board of governors to sell or lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such sales or leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties.
Second new title: authorizing the board of governors to lease certain property owned by Berlin vocational-technical college and continually appropriating the income from such leases, and authorizing the sale of certain materials from New Hampshire technical institute and vocational-technical college properties.
Third new title: relative to tuition and to certain properties of the institutes of the department of vocational-technical education.
Fourth new title: relative to tuition and to certain properties of the institutes of the department of vocational-technical education and making an appropriation therefor.
78, am & Approp 289-291, psd 487, 548, conc S am 669, enr am 723, enr 759 (Chapter 366)
- HB 487-FN, eliminating the requirement that counties reimburse the state for superior court and probate court costs for fiscal year 1985. (F. Torr of Str. 6; Dickinson of Car. 2 - To Judiciary)
New title: reducing the amount which counties are required to reimburse the state for superior court and probate costs in fiscal year 1985.
78, am & Approp 293-294, K 487
- HB 488, authorizing construction of the Franklin-Laconia bypass and bridge on Route 11 between Franklin and Tilton and making an appropriation therefor. (White of Bel. 1 - To Public Works)
New title: authorizing construction of the proposed bridge over the Pemigewasset river in the city of Franklin, up to Route 127.
78, am & Approp 251-252, rem 459, study 470, 788
- HB 489-FN, relative to the business profits tax. (Packard of Str. 4 - To Ways and Means)
97, study 464, 788
- HB 490, relative to the pharmacy board and amending the controlled drug act. (Sytek of Rock. 20; Case of Rock. 6 - To Judiciary)
105, am 395-400, psd 451, S conc 551, enr am 722, enr 759 (Chapter 324)
- HB 491, permitting counties and the state to contract with private entities for the construction, operation, supervision and maintenance of correctional facilities and the youth development center. (Smith of Hil. 9 - To State Institutions and Housing)
105, K 212
- HB 492-FN, requiring the state to pay for court-ordered placement of juveniles. (Ahrens of Hil. 13; Harrington of Hil. 7 - To Children, Youth and Elderly Affairs)
105, K 234
- HB 493-FN, relative to aircraft registration. (Labombarde of Hil. 2? - To Transportation)
105, am 370-371, psd 380, S conc 509, enr 373 (Chapter 168)
- HB 494, requiring the licensing of child care workers. (Ahrens of Hil. 13 et al - To Executive Departments and Administration)
105, study 278, 788
- HB 495, eliminating depositions in criminal cases of children under age 13 except in certain cases. (Ahrens of Hil. 13 et al - To Children, Youth and Elderly Affairs)

New title: eliminating depositions in criminal cases of children 16 years of age and under except in certain cases.
105, am 267, psd 299 (K)

- HB 496-FN, relative to special number plates for nonprofit organizations serving the mentally impaired. (Burdick of Rock. 7 - To Transportation)
105, psd 245, 261, S nonconc 568
- HB 497-FN, eliminating the limitation on the number of off-sale permits, retail wine licenses and combination retail wine and beverage licenses held by any person. (Phelps of Mer. 1 et al - To Regulated Revenues)
105, psd (RC) 295-296, 300, S conc 551, enr 566 (Chapter 94)
- HB 498, relative to the dam maintenance fund and making an appropriation therefor. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
New title: relative to the dam maintenance fund and making an appropriation therefor; exemptions from the provisions of RSA 228; and extending certain lapse dates.
105, am & Approp 243, am 461, psd 479, nonconc S am, conf 668-669, 676, rep adop 751, enr am 760, enr 762 (Chapter 400)
- HB 499, relative to the disposal of state owned real property. (Brough of Bel. 10 et al - To State Institutions and Housing)
105-106, am 319-320, psd 340, S study 628, 788
- HB 500-FN, relative to municipal courts. (Jones of Hil. 20 - To Judiciary)
106, K 400
- HB 501-FN, relative to mediators, factfinders and arbitrators of disputes between public employers and public employees. (McGlynn of Hil. 29 - To Labor, Industrial and Rehabilitative Services)
106, K 335
- HB 502, relative to credit life, accident, and health insurance sold in connection with mobile homes or dwelling trailers. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
106, psd 305-306, 340, conc S am 657, enr 734 (Chapter 259)
- HB 503-FN, relative to delinquent trappers' reports. (Dionne of Str. 5 - To Fish and Game)
106, am 278, psd 299, S conc 627, enr 695 (Chapter 219)
- HB 504, relative to the right to know law. (Chambers of Graf. 12 - To Judiciary)
106, rem 390, K 450
- HB 505, relative to the office of the ombudsman within the state council on aging. (Townsend of Sul. 1; Sen. McLane - Children, Youth and Elderly Affairs)
106, psd 343, 388, nonconc S am, conf 665, 676, rep adop 692, enr 759, veto sustained (RC) 767-768
- HB 506, relative to building second residential dwelling units in single family homes. (McAvoy of Graf. 1 - To State Institutions and Housing)
106, K 244
- HB 507, relative to damages paid by the department of fish and game. (Whitcomb of Graf. 1 - To Fish and Game)
106, psd 236, 261, S conc 627, enr 695 (Chapter 220)
- HB 508, authorizing police officers to order removal of motor vehicle fatalities. (Fried of Hil. 16; Pressly of Hil. 24 - To Judiciary)
106, am 400, psd 451, S study 628, 788
- HB 509-FN, relative to the definition of automobile dealer. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
106, study 306, 788
- HB 510, modifying the reporting requirement for certain accounts of deceased persons. (Sanderson of Rock. 15; Lown of Hil. 9 - To Ways and Means)
106, am 464, psd 479, S conc 569, enr 673 (Chapter 169)

- HB 511, requiring special agents to complete a preparatory police training program. (MacDonald of Car. 6 - To Regulated Revenues)
106, psd 282, 300, conc S am 658, enr am 733, enr 759 (Chapter 326)
- HB 512, relative to cease and desist orders by the bank commissioner. (Lamy of Hil. 46; Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
106, am 195, psd 230, S conc 627, enr 694 (Chapter 221)
- HB 513-FN, establishing an interdepartmental coordination system between the department of education and the department of health and human services. (Boucher of Rock. 23 et al - To Education)
131, Approp 348, psd 541, 548, S study 788
- HB 514, relative to hunting coyote. (Dickinson of Car. 2 et al - To Fish and Game)
131, K 236
- HB 515, relative to the ballot law commission. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
131, psd 234-235, 260, conc S am 570, enr am 680, enr 734 (Chapter 260)
- HB 516, relative to smoke detectors in residential health care facilities. (Nelson of Hil. 31 et al - To Public Protection and Veterans Affairs)
131, rem 233, study 257-258, 788
- HB 517-FN, relative to forfeiture of items used in connection with drug offenses. (Sytek of Rock. 20 et al - To Judiciary)
131, am & Approp 400, rem 480, am 546-547, psd 548, conc S am 668, enr 758 (Chapter 327)
- HB 518, relative to the appellate division of the department of employment security. (Ahrens of Hil. 13 - To Labor, Industrial and Rehabilitative Services)
131-132, K 238
- HB 519, establishing an acid rain control act. (Greene of Rock. 18 - To Environment and Agriculture)
132, am 350-351, psd 389, conc S am 666, enr 734 (Chapter 328)
- HB 520, relative to supplemental information required on birth, marriage, and death certificates. (Flanders of Rock. 5; Dickinson of Car. 2 - To Executive Departments and Administration)
132, study 351, 788
- HB 521, relative to the powers of the public utilities commission. (Woodward of Rock. 18 et al - To Resources, Recreation and Development)
132, am 243, psd 261, S conc 627, enr 694 (Chapter 222)
- HB 522, making sexual contact with a person under 13 years of age a class B felony. (Ahrens of Hil. 13 et al - To Judiciary)
132, K 401
- HB 523, relative to the payment of wages to an employee who reports to work at the request of his employer. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
132, am 238, psd 261, conc S am 592, enr 694 (Chapter 223)
- HB 524, relative to hearings for teachers upon failure to be renominated or reelected. (C. Watson of Hil. 13 et al - To Judiciary)
132, K 440
- HB 525, authorizing the taking of one salmon and one lake trout or 2 lake trout through the ice on Lake Winnepesaukee and Lake Winnisquam only. (Smith of Mer. 20 et al - To Fish and Game)
132, K 236
- HB 526, prohibiting drugs in pulling contests. (Johnson of Ches. 3 - To Environment and Agriculture)
132, am 235, psd 260, conc S am 628, enr 734, veto sustained (RC)
765-766
- HB 527, increasing the maximum size of development districts. (Quimby of Rock. 7 - To Municipal and County Government)
132, psd 317, 340, enr 567, S conc 569 (Chapter 135)

- HB 528, requiring the consideration of noise levels in energy facility siting decisions. (Greene of Rock. 18 - To Environment and Agriculture)
New title: establishing a study committee to investigate the consideration of noise impact in energy facility siting decisions.
132, psd 235, 260, conc S am 666, enr 734, appointments 788 (Chapter 283)
- HB 529, for the protection of depositors. (Longworth of Rock. 18 - To Commerce, Small Business and Consumer Affairs)
132, K 268-269
- HB 530, extending the time for perfecting a mechanics lien until after final payment becomes due. (Palumbo of Rock. 10 - To Judiciary)
132, com changed 140, K 269
- HB 531, relative to limitation of actions arising from construction. (Palumbo of Rock. 10 - To Judiciary)
132, K 401
- HB 532-FN, relative to the judicial retirement system and judicial compensation. (Rounds of Graf. 10 et al - To Appropriations)
132, rem 480, am (RC) 544-546, psd 548, nonconc S am 664, K 779
- HB 533, prohibiting censorship of printed material. (Jacobson of Mer. 2 - To Judiciary)
132, K 334
- HB 534, relative to expenses incurred by the commissioner of the department of employment security. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
132, psd 238-239, 261, S conc 569, enr 673, veto sustained (RC) 717-718
- HB 535-FN, relative to the current use assessment. (Bangs of Rock. 7 et al - To Environment and Agriculture)
132, K 235
- HB 536-FN, providing that the property tax exemption for the blind be computed without regard to whether property is assessed at its true and market value. (Callaghan of Str. 11 - To Municipal and County Government)
New title: relative to the property tax exemption for the blind.
132, psd 317, 340, conc S am 666, enr 734 (Chapter 329)
- HB 537, relative to rent increases in manufactured housing parks. (Dickinson of Car. 2 et al - To State Institutions and Housing)
132, K 244
- HB 538-FN, permitting alpine slide facilities to sell liquor. (Hawkins of Bel. 5 et al - To Regulated Revenues)
132, psd 338-339, 340, conc S am 570, enr 674 (Chapter 191)
- HB 539, relative to the protection of sand dunes. (Felch of Rock. 14 - To Environment and Agriculture)
132, psd 235, 261, nonconc S am, conf 667, 681, rep adop 774, enr am 780, enr 782 (Chapter 413)
- HB 540, establishing a committee to recodify the state's labor laws. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
132, psd 239, 261, conc S am 552, enr 566, appointments 788 (Chapter 119)
- HB 541, making references gender neutral in certain domestic relations statutes. (Jacobson of Mer. 2 - To Constitutional and Statutory Revision)
132, psd 235, 260, S conc 627, enr 734 (Chapter 330)
- HB 542, relative to access to the interstate system from certain terminals. (Walter of Graf. 13 - To Public Works)
132, K 240
- HB 543-FN, enabling the city of Concord to assess the cost of central business service districts on the basis of assessed value. (Gross of Mer. 16 et al - To Municipal and County Government)
132, psd 317, 340, enr 567, S conc 569 (Chapter 136)

- HB 544, relative to water improvement bonds issued by the city of Rochester. (Keans of Str. 11 et al - To Public Works)
New title: relative to water improvement bonds issued by the city of Rochester and to electing 5 commissioners in village districts within the towns of Merrimack and Hooksett.
132, psd 254, 261, conc S am 666, enr 734, veto sustained (RC) 775-776
- HB 545-FN, relative to sewer improvement funds in the city of Rochester. (Keans of Str. 11 et al - To Public Works)
New title: authorizing the city of Rochester to issue revenue bonds and relative to revenue bonds.
132, am 240, psd 261, conc S am 668, enr 734 (Chapter 332)
- HB 546, providing manufactured housing tenants with a limited right to purchase the park and changing eviction notice requirements. (King of Graf. 6 - To State Institutions and Housing)
132, study 244, 788
- HB 547, extending the time within which pari-mutuel pools may be sold. (Gage of Rock. 20 - To Regulated Revenues)
132, psd 319, 340, S conc 569, enr am 680-681, enr 734 (Chapter 282)
- HB 548, relative to the duration of current pari-mutuel pool tax rates for horse racing. (Gage of Rock. 20 - To Regulated Revenues)
133, psd 319, 340, S conc 569, enr 674 (Chapter 170)
- HB 549-FN, creating a compensation program for victims of violent crimes. (Newman of Rock. 24 et al - To Judiciary)
133, study 401, 789
- HB 550-FN, indexing utility rate increases resulting from the cost of certain newly completed generating facilities to the rate of inflation. (Ingram of Sul. 4; Barberia of Mer. 21 - To Commerce, Small Business and Consumer Affairs)
133, K 346
- HB 551, relative to legislative oversight of certain rate increases approved by the public utilities commission. (Jones of Str. 6 - To Commerce, Small Business and Consumer Affairs)
133, K 346
- HB 552, relative to nurse practitioner reimbursement. (Dickinson of Car. 2 et al - To Commerce, Small Business and Consumer Affairs)
133, am 346, psd 388, S conc 627, enr 694 (Chapter 239)
- HB 553, limiting annual increases in public utility rates or charges for electric service to the rate of inflation in New Hampshire. (Pevear of Rock. 17 et al - To Commerce, Small Business and Consumer Affairs)
133, rem 343, K (RC) 384-385
- HB 554, relative to the fixing of rates by the public utilities commission. (Pevear of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
133, rem 343, am (RC) 385-386, psd 388, S study 568, 789
- HB 555-FN, allowing salaries for state liquor store employees to be based upon store profitability. (Jones of Str. 6 et al - To Ways and Means)
133, study 464, 789
- HB 556-FN, relative to the classification of highways. (Boucher of Mer. 9 et al - To Public Works)
133, psd 319, 340, S conc 627, enr 694 (Chapter 235)
- HB 557, relative to the division for children and youth services and an adoption assistance compact. (E. Wheeler of Hil. 10 - To Children, Youth and Elderly Affairs)
133, psd 344, 388, S conc 569, enr am 722, enr 759 (Chapter 367)
- HB 558, requiring the state to buy American made products except in certain circumstances. (Welch of Rock. 10 et al - To Executive Departments and Administration)
133, rem 305, SO 339, K 343

- HB 559, reducing the penalty for first offense possession of one ounce or less of marijuana to a violation. (Sylvia of Hil. 1 et al - To Judiciary)
133, psd 401-402, 451, S nonconc 568
- HB 560, establishing a study committee relative to licensing power boat operators. (Jensen of Bel. 6 et al - To Resources, Recreation and Development)
New title: establishing a study committee relative to licensing of operators of entirely or partly power propelled water borne vehicles.
Second new title: establishing a study committee relative to power boats.
133, am 286-287, psd 300, conc S am 658, enr 734, appointments 789 (Chapter 284)
- HB 561, relative to village districts. (Taffe of Graf. 6 - To Municipal and County Government)
133, K 317
- HB 562, making the administrative official on a planning board a nonvoting member. (Keans of Str. 11; Sen. Dupont - To Municipal and County Government)
133, K 317
- HB 563, prohibiting the use of radar detectors. (Bangs of Rock. 7 et al - To Transportation)
133, K 323
- HB 564, relative to voluntary mediation in divorce proceedings. (Jacobson of Mer. 2 - To Judiciary)
133, rem 305, study 339, 789
- HB 565, providing for the awarding of attorneys' fees in certain contempt cases. (Jacobson of Mer. 2 - To Judiciary)
133, psd 440, 451, S conc 569, enr 674 (Chapter 171)
- HB 566, relative to fault grounds in divorce proceedings. (Jacobson of Mer. 2 - To Judiciary)
133, study 312, 789
- HB 567, providing to school districts access to court records of certain educationally handicapped children. (Taffe of Graf. 6 - To Education)
133, psd 277, 299, S nonconc 552
- HB 568, relative to alcohol education programs. (Pantelakos of Rock. 24 - To Judiciary)
133, K 402
- HB 569-FN, making abuse of a child or family member a class B felony. (Ingram of Sul. 4 - To Children, Youth and Elderly Affairs)
134, K 234
- HB 570-FN, relative to licensing antique snowmobiles. (Chardon of Coos 6 - To Fish and Game)
134, psd 236, 261, enr 567, S conc 569 (Chapter 137)
- HB 571, requiring a life insurance company to pay interest on a claim under an insurance policy after it is due and payable for 30 days. (Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)
134, am 269, psd 299, S conc 627, enr 694 (Chapter 224)
- HB 572, to amend the charter of the White Mountain School, St. Mary's-in-the-Mountains. (Reardon of Hil. 37 - To Education)
134, psd 348, 388, S conc 551, enr 566 (Chapter 95)
- HB 573-FN, relative to class II highways state aid. (White of Bel. 1 - To Public Works)
New title: relative to class II highways state and naming a bridge in Hopkinton for Leroy R. Kimball.
Second new title: relative to class II highways; naming a bridge in Hopkinton for Leroy R. Kimball; and naming a portion of N.H. Route 16 for Senator Laurier Lamontagne.

Third new title: relative to class II highways; naming a bridge in Hopkinton for Leroy R. Kimball; naming a portion of N.H. Route 16 for Senator Laurier Lamontagne; and naming a bridge in Newington for Captain John F. Rowe, United States Navy.
134, am 240, psd 261, conc S am 552, enr 566, veto sustained (RC)
693-694

- HB 574, abolishing the unclassified position of director of transportation. (Nute of Hil. 13 - To Executive Departments and Administration)
134, K 351
- HB 575, relative to administrative procedures and state and local government cooperation. (Ellyson of Rock. 9 et al - To Executive Departments and Administration)
134, am 394, psd 451, nonconc S am, conf 665, 676, rep adop 711, enr 759 (Chapter 385)
- HB 576, relative to the crime of theft by deception. (Palumbo of Rock. 10; Phelps of Mer. 1 - To Judiciary)
134, study 312, 789
- HB 577, repealing the interstate commerce exemption from the consumer protection act. (Palumbo of Rock. 10 - To Judiciary)
134, com changed 167, psd 306, 340, S conc 569, enr 674 (Chapter 172)
- HB 578, relative to the regulation of campground membership programs. (Palumbo of Rock. 10; Phelps of Mer. 1 - To Judiciary)
134, com changed 167, am 306, psd 340, S conc 569, enr 674 (Chapter 173)
- HB 579, relative to regulation of manufactured housing parks. (Palumbo of Rock. 10; Phelps of Mer. 1 - To State Institutions and Housing)
134, am 320, psd 340, nonconc S am, conf 593, 670, rep adop 692, enr am 720, enr 759 (Chapter 333)
- HB 580, relative to collection of revenues by county officers. (Palumbo of Rock. 10 - To Municipal and County Government)
134, K 317
- HB 581, relative to the regulation of rental referral agencies. (Palumbo of Rock. 10 - To State Institutions and Housing)
134, psd 320, 340, S conc 569, enr 674 (Chapter 174)
- HB 582, requiring the Derry school district to elect a finance committee and providing for the powers and duties of the committee. (Bangs of Rock. 7 et al - To Education)
134, K 348
- HB 583, relative to alimony. (Jacobson of Mer. 2; Kinhan of Mer. 14 - To Judiciary)
134, psd 402, 451, S conc 569, enr 674 (Chapter 175)
- HB 584, relative to possession of weapons by felons. (Chretien of Hil. 33 - To Judiciary)
134, K 312
- HB 585-FN, authorizing the acquisition of a dam in the town of Goffstown by the department of public works and highways for road construction purposes. (White of Bel. 1 - To Public Works)
134, K 240
- HB 586, relative to technical amendment of the Uniform Securities Act. (Reardon of Hil. 37 - To Judiciary)
First new title: relative to a technical amendment of the Uniform Securities Act and licensing requirements for agents, brokers-dealers and issuer-dealers.
Second new title: relative to a technical amendment of the Uniform Securities Act and licensing requirements for agents, broker-dealers and issuer-dealers.
134, psd 280, 299, conc S am 666, enr am 723, enr 759 (Chapter 334)
- HB 587, relative to motor vehicle warranties. (Joslyn of Rock. 20 - To Commerce, Small Business and Consumer Affairs)
134, psd 269, 299, S conc 457, enr 458 (Chapter 63)

- HB 588, requiring school districts to send to the state board the annual report of revenues and expenditures. (Boucher of Rock. 23 - To Education)
New title: requiring school districts to send in an annual report of revenues and expenditures and repealing the penalty for their failure to make a timely report.
134, am 348-349, psd 388-389, S nonconc 552
- HB 589-FN, exempting land and structures used for agricultural purposes from zoning ordinance requirements. (Campbell of Rock. 20 - To Municipal and County Government)
First new title: relative to agricultural activities and municipal planning and zoning powers.
Second new title: relative to agricultural activities and municipal planning and zoning powers and relative to division of public works planning and design costs.
134, am 317-318, psd 340, conc S am 666, enr am 722, enr 759 (Chapter 335)
- HB 590, relative to the counsel for the department of employment security and that department's representation in court. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
134, am 281, psd 299, S conc 551, enr am 564, enr 567 (Chapter 138)
- HB 591, requiring the state to underwrite the total expense of fighting forest and brush fires on state owned park or forest land in any town or towns. (Sherburne of Rock. 2 et al - To Resources, Recreation and Development)
135, am 357, psd 389, S nonconc 628
- HB 592, creating a study committee to review methods of funding and the catastrophic costs of special education and to make recommendations therefor. (Walker of Rock. 17 et al - To Education)
135, psd 349, 389, S conc 551-552, enr 566, veto overridden (RC)
686-687, S sustained veto 711
- HB 593-FN, relative to special plates for active members of civil defense organizations. (Raynowska of Rock. 20 - To Transportation)
135, K 323
- HB 594, relative to sexual assault. (Pantelakos of Rock. 24 et al - To Judiciary)
135, am 402, psd 451 (K)
- HB 595, relative to missing child police reports. (Sloan of Rock. 6 - To Children, Youth and Elderly Affairs)
135, K 267
- HB 596, relative to restoring the old state house at Strawberry Banke. (Vartanian of Rock. 20 - To State Institutions and Housing)
135, psd 244, 261, S conc 457, enr 458, appointments 789 (Chapter 64)
- HB 597, relative to the right of employees to freely decide whether to support labor organizations. (Burns of Hil. 8 et al - To Labor, Industrial and Rehabilitative Services)
135, psd (RC) 379-381, recon rej 381, psd 389, S nonconc 568
- HB 598, requiring any person filing a suit which delays the construction of an energy facility or a state highway or road to post a bond. (Guay of Coos 7 - To Public Works)
135, K 295
- HB 599, relative to computer-related offenses. (Sytek of Rock. 20; Randall of Bel. 3 - To Judiciary)
135, psd 402, 451, enr 567, S conc 569 (Chapter 139)
- HB 600, making appropriations for capital improvements. (Bibbo of Mer. 3 et al - To Public Works)
159, am & Approp 440-448, am 487-490, psd 548, nonconc S am, conf 668, 676, rep adop 771, enr am 781, enr 782 (Chapter 409)
- HB 601-FN, relative to driver's license fees. (White of Bel. 1 - To Transportation)
135, study 323, 789

- HB 602-FN, permitting the fish and game department to collect all OHRV registration fees and allowing for the registration of motorcycles also registered for on-highway use, and establishing noise level requirements for wheeled OHRVs and establishing OHRV reciprocity for wheeled OHRVs. (Chardon of Coos 6; Sen. Wiggins - To Fish and Game) 135, psd 236, 261, conc S am 592, enr am 706, enr 734 (Chapter 261)
- HB 603-FN, relative to municipal utilities. (Whittemore of Mer. 10 - To Municipal and County Government) 135, K 318
- HB 604, relative to the return of rental vehicles. (Guay of Coos 7 - To Judiciary) 135, am 334-335, psd 340, S conc 569, enr 674 (Chapter 176)
- HB 605, relative to deviations from rating organization filings and regulating the issuance of certificates of insurance. (Burns of Coos 5 et al - To Commerce, Small Business and Consumer Affairs) 135, psd 269, 299, S conc 569, enr 674 (Chapter 177)
- HB 606-FN, relative to financial institution holding companies. (Lamy of Hil. 46; Whittemore of Mer. 10 - To Commerce, Small Business and Consumer Affairs) 135, K 234
- HB 607, relative to special education medically related services and insurance. (Kinhan of Mer. 14; Harrington of Hil. 7 - To Education) 135, study 349, 789
- HB 608-FN, establishing a nurse registration and education revolving fund. (Boucher of Rock. 23 - To Executive Departments and Administration) 135, K 278
- HB 609, relative to comprehensive high schools. (Boucher of Rock. 23 - To Education) 135, psd 308, 340, S conc 569, enr 626 (Chapter 151)
- HB 610-FN, eliminating the requirement that all school districts be in a school administrative unit, and removing the authority of the state board of education over school administrative unit superintendents and assistant superintendents. (Sylvia of Hil. 1 - To Education) 135, study 349, 789
- HB 611, relative to property owner's rights in the town of Derry. (Bangs of Rock. 7 et al - To Municipal and County Government) 135, K 318
- HB 612, relative to the administration of the alcohol education program. (Jones of Str. 6 et al - To Judiciary)
First new title: relative to the administration of the alcohol education program and making an appropriation therefore and relative to design and planning work of the division of public works.
Second new title: relative to the administration of the alcohol education program and making an appropriation therefor and relative to design and planning work of the division of public works and relative to the purchase of table wines. 135, am 280-281, psd 299, conc S am 669, enr 758 (Chapter 336)
- HB 613-FN, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. (Sloan of Rock. 6 - To Municipal and County Government) 136, am 337, psd 340, S study 568, 789
- HB 614-FN, relative to the licensing period for road toll user of fuel licenses, increasing the amount of road toll distributor's bonds, and giving the commissioner of safety authority to transfer highway funds. (LaMott of Graf. 5 - To Transportation) 136, Approp 371, psd 490, 548, S conc 627, enr 695 (Chapter 236)
- HB 615-FN, relative to keeping county convention records. (Bates of Str. 1 - To Municipal and County Government) 136, psd 318, 340, S conc 569, enr 674 (Chapter 178)

- HB 616-FN, relative to funding of the fire standards and training commission. (Benton of Rock. 5 - To Public Protection and Veterans Affairs)
136, am & Approp 337, K 461-462
- HB 617-FN, relative to the regional fuel tax agreement. (LaMott of Graf. 5 - To Transportation)
136, psd 323, 340, S conc 569, enr 674 (Chapter 187)
- HB 618-FN, relative to distribution of the sweepstakes fund. (Burdick of Rock 7 - To Appropriations)
136, K 391
- HB 619-FN, relative to the penalty for underpayment of estimated taxes. (Burton of Str. 4 - To Ways and Means)
New title: amending the penalty for the underpayment of estimated taxes, the interest and dividends tax and certain definitions in the business profits tax.
136, rem 459, am 473-477, psd 479, nonconc S am, conf 601, 670, rep adop 774, enr am 780-781, enr 782 (Chapter 414)
- HB 620, creating a presumption that cardiovascular disease in police officers is occupationally related. (Holmes of Mer. 13 et al - To Labor, Industrial and Rehabilitative Services)
136, K 335
- HB 621-FN, establishing a study committee to ascertain the feasibility of establishing restaurants along the turnpike system where permissible. (White of Bel. 1 - To Public Works)
136, study 319, 789
- HB 622-FN, changing the name of the office of institutional collections and permitting the office, upon request, to make collections for other state departments. (Kinhan of Mer. 14 - To Health and Human Services)
136, am 310-311, psd 340, S conc 551, enr 566 (Chapter 96)
- HB 623, relative to capital murder, first degree murder and the death penalty. (Scamman of Rock. 19 et al - To Judiciary)
136, study 440, 789
- HB 624-FN, establishing a permanent licensing system for insurance agents and brokers and providing for the licensing of insurance consultants. (Burns of Coos 5 - Commerce, Small Business and Consumer Affairs)
New title: relative to notice of accidents to insurance companies; insurance company liens; and licensing insurance agents and brokers.
136, am 306-307, psd 340, S conc 569, enr 674 (Chapter 179)
- HB 625-FN, relative to pari-mutuel taxation. (Hawkins of Bel. 5 - To Regulated Revenues)
136, rem 343, am 388, psd 389, S conc 569, enr 674 (Chapter 180)
- HB 626-FN, to provide for vending services for the blind on toll roads. (Boucher of Rock. 23; Nelson of Hil. 31 - To Public Works)
136, K 256
- HB 627-FN, relative to the emergency medical service coordinating board. (Sytek of Rock. 10 et al - To Health and Human Services)
New title: relative to the emergency medical service coordinating board and limiting liability of persons providing emergency telephone and radio communications.
136, am 352, psd 389, S conc 551, enr 566 (Chapter 97)
- HB 628, certifying clinical mental health counselors. (Kinhan of Mer. 14 et al - To Executive Departments and Administration)
159, am 434-435, psd 451, S study 568, 789
- HB 629-FN, to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county commissioners. (Hawkins of Bel. 5 - To Executive Departments and Administration)
New title: to include county jail and house of correction personnel in group II of the New Hampshire retirement system upon the approval of the county convention.
159, am & Approp 309, K 468

- HB 630-FN, relative to workers' compensation for call firemen, special duty police officers, and members of the general court. (Skinner of Rock. 21; Rounds of Graf. 10 - To Labor, Industrial and Rehabilitative Services)
159, psd 352, 389, nonconc S am, conf 668, 682, rep adop 711, 712, enr 759 (Chapter 386)
- HB 631-FN, imposing civil liability upon state agencies for damage to the environment or public health caused by an agency's failure to adequately enforce permit requirements. (Campbell of Rock. 20 - To Environment and Agriculture)
160, study 351, 789
- HB 632-FN, establishing a printed materials revolving fund at the department of education. (Boucher of Rock. 23 - To Education)
160, Approp 308, psd 490, 548, nonconc S am, conf 668, 676, K 779
- HB 633, relative to school building authority. (Boucher of Rock. 23 - To Education)
160, psd 308, 340, S conc 627, enr 695 (Chapter 240)
- HB 634-FN, establishing the secure psychiatric unit at the New Hampshire state prison. (Parker of Ches. 11; Sytek of Rock. 20 - To State Institutions and Housing)
160, am 366-367, psd 389, S conc 551, S recalled & rcmt 568, S conc 627, enr am 730, enr 759 (Chapter 337)
- HB 635-FN, requiring that pictorial warning labels be placed on liquor and alcoholic beverage containers. (Lamontagne of Coos 7 - To Regulated Revenues)
160, K 339
- HB 636-FN, relative to current use assessment. (Taffe of Graf. 6 - To Environment and Agriculture)
160, K 308
- HB 637-FN, regarding changes in the timber tax laws. (Matson of Ches. 7 et al - To Municipal and County Government)
160, am 354-355, psd 389, S conc 569, enr am 680, enr 734 (Chapter 275)
- HB 638, permitting the state, counties and municipalities to contract with private entities for the construction, operation, supervision and maintenance of government-operated facilities. (Knight of Hil. 6 et al - To State Institutions and Housing)
New title: permitting the state, counties and municipalities to contract with private entities for the construction of government-operated facilities.
160, am 367-368, psd 389, S study 628, 790
- HB 639-FN, relative to the board of registration in medicine. (Walter of Graf. 13 et al - To Executive Departments and Administration)
160, study (RC) 435-436, 790
- HB 640, merging Merrimack Valley college into the university system of New Hampshire. (Boucher of Rock. 23 et al - To Education)
New title: merging Merrimack Valley college into the university of New Hampshire.
160, am 392, psd 451, enr 567, S conc 569 (Chapter 140)
- HB 641-FN, relative to the reimbursement of utilities for relocation costs. (LaMott of Graf. 5; Sen. Lessard - To Public Works)
160, study 319, 790
- HB 642, relative to bonding of subsurface disposal system designers and installers. (Raynowska of Rock. 20 - To Resources, Recreation and Development)
160, K 319
- HB 643, adding representatives from postsecondary vocational-technical education to the postsecondary education commission. (Taffe of Graf. 6; Sen. Lessard - To Education)
New title: relative to the postsecondary education commission and the New England Board of Higher Education.
160, psd 392, 451, conc S am 570, enr 674 (Chapter 233)

- HB 644, relative to child abuse reporting. (Pantelakos of Rock. 24 et al - To Children, Youth and Elderly Affairs)
160, rem 343, study (RC) 383-384, 790
- HB 645-FN, relative to discretionary easements under RSA 79-A. (Johnson of Ches. 3 - To Environment and Agriculture)
160, K 377
- HB 646-FN, relative to low number motor vehicle license plates. (Chambers of Graf. 12 - To Transportation)
160, K 323
- HB 647-FN, requiring that the sentence for repeat offenders of the aggravated felonious sexual assault of children law shall be life imprisonment without parole. (Ahrens of Hil. 13 et al - To Children, Youth and Elderly Affairs)
160, K 344
- HB 648-FN, relative to property tax exemptions for senior citizens. (Ahrens of Hil. 13 - To Municipal and County Government)
160, K 318
- HB 649-FN, relative to private sector employee labor relations. (Wells of Rock. 5; Raynowska of Rock. 20 - To Labor, Industrial and Rehabilitative Services.)
New title: relative to employees of the dog and horse racing industry.
160, am 313-315, psd 340, S study 628, 790
- HB 650-FN, to permit designation of enterprise zones by the director of economic development, department of resources and economic development. (King of Graf. 6; Hutchings of Graf. 8 - To Commerce, Small Business and Consumer Affairs)
160, study 346, 790
- HB 651-FN, relative to screening for long term care. (Copenhaver of Graf. 12 - To Health and Human Services)
160, Approp 311, am 490-491, psd 548, S conc 627, enr 695 (Chapter 237)
- HB 652-FN, relative to hazardous waste siting procedures and use of the hazardous waste fund. (Greene of Rock. 18; Bowler of Bel. 2 - To Environment and Agriculture)
160, study 351, 790
- HB 653-FN, adopting the model small business equal access to justice act. (Burns of Coos 5 et al - To Commerce, Small Business and Consumer Affairs)
160, study 307, 790
- HB 654, relative to simple assault of children under the age of 13. (Ahrens of Hil. 13 et al - To Children, Youth and Elderly Affairs)
New title: relative to assault of children under 13 years of age.
160, am 344, psd 388, S conc 569, enr 674 (Chapter 181)
- HB 655-FN, authorizing the New Hampshire retirement system board of trustees to purchase fiduciary insurance. (King of Graf. 12 - To Executive Departments and Administration)
160, Approp 351-352, psd 491, 548, S study 628, 790
- HB 656, regulating rent increases in manufactured housing parks. (King of Graf. 6 - To State Institutions and Housing)
160, K 368
- HB 657-FN, relative to wetlands protection and enforcement. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
160, am 357, psd 389, S conc 627, enr 734 (Chapter 274)
- HB 658-FN, relative to private security agencies. (Eaton of Ches. 4 - To Public Protection and Veterans Affairs)
160, am 337-338, psd 340, conc S am 666, enr 758 (Chapter 338)
- HB 659-FN, creating a committee to study the recodification of the New Hampshire workers' compensation laws. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
160-161, psd 315-316, 340, nonconc S am, conf 592-593, 670, K 779

- HB 660-FN, relative to benefits for part-time state employees. (Skinner of Rock. 21; Chambers of Graf. 12 - To Labor, Industrial and Rehabilitative Services)
161, Approp 352, K 468
- HB 661-FN, establishing a committee to study alternatives to the present site evaluation committee. (Greene of Rock. 18 - To Environment and Agriculture)
161, K 351
- HB 662, relative to health insurance coverage. (Kohl of Ches. 15 - To Commerce, Small Business and Consumer Affairs)
161, K 307
- HB 663-FN, relative to the right of attendance at public schools for certain children in homes for children. (Guay of Coos 7 - To Education)
161, rem 390, am 449, psd 451 (K)
- HB 664-FN, authorizing the director of motor vehicles to issue special vanity plates for amateur radio operators. (Bangs of Rock. 7 et al - To Transportation)
161, study 339, 790
- HB 665-FN, relative to the definition of "legal custody" for educational purposes. (Taffe of Graf. 6 - To Education)
161, psd 392, 451, S conc 627, enr 694 (Chapter 241)
- HB 666-FN, relative to school district budgets. (Taffe of Graf. 6; Boucher of Rock. 23 - To Education)
New title: relative to school district budgets and municipal accounts.
161, psd 414, 451, conc S am 666, enr am 720-721, enr 758 (Chapter 368)
- HB 667, amending the definition of accident as it applies to automobile insurance. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
161, K 307
- HB 668-FN, relative to the establishment of capital reserve funds for the acquisition of land. (Whittemore of Hil. 18 - To Municipal and County Government)
161, psd 318, 340, conc S am 570, enr am 679, enr 734 (Chapter 285)
- HB 669, relative to heart and lung disease in firefighters. (Gage of Rock. 20 - To Labor, Industrial and Rehabilitative Services)
161, K 316
- HB 670-FN, relative to heart, lung, and cancer disease in firefighters. (Gage of Rock. 20 - To Labor, Industrial and Rehabilitative Services)
161, K 381
- HB 671-FN, relative to providing access to land. (Jones of Hil. 6 - To Public Works)
161, K 319
- HB 672-FN, relative to special number plates for radio amateurs. (Labombarde of Hil. 22 - To Transportation)
161, study 339, 790
- HB 673, revising the 39 week extension of health insurance benefits to terminated employees. (Christy of Graf. 11 - To Labor, Industrial and Rehabilitative Services)
New title: requiring written notice for the 39-week extension of health insurance benefits.
161, am 352-353, psd 389, S nonconc 628
- HB 674, relative to interest rates on overdue utility bills. (Daniell of Mer. 12 - To Commerce, Small Business and Consumer Affairs)
161, K 374
- HB 675-FN, relative to unemployment compensation. (Densmore of Graf. 3; King of Graf. 12 - To Labor, Industrial and Rehabilitative Services)
161, K 353

- HB 676, relative to purchases by and charges of certain electric utilities. (Pewear of Rock. 17 et al - To Commerce, Small Business and Consumer Affairs)
161, K 346
- HB 677-FN, amending the nonprofit corporation act, the business corporation act, the professional corporation act, and the trade name act. (Fields of Hil. 13 - To Judiciary)
161, am 402-403, psd 451, nonconc S am, conf 667, 682, rep adop 692, enr 758 (Chapter 339)
- HB 678, removing the administrative fee limitation on individual insurance companies and providing sanctions for administrative violations. (Burns of Coos 5; Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)
161, psd 307, 340, S conc 627, enr 695 (Chapter 225)
- HB 679, requiring evidence of declination prior to issuance of surplus lines policies. (Burns of Coos 5; Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)
161, study 307-308, 790
- HB 680-FN, relative to returnable containers. (Whittemore of Hil. 18 - To Ways and Means)
161, K 464
- HB 681, prohibiting game machines with cancellation buttons or cancellation keys. (MacDonald of Car. 6 et al - To Judiciary)
161, study 312, 790
- HB 682, relative to gambling and restricting the use of certain amusement machines. (MacDonald of Car. 6 et al - To Judiciary)
161, K 312-313
- HB 683, prohibiting towns and cities from licensing video poker, video blackjack, and similar machines. (MacDonald of Car. 6 - To Municipal and County Government)
161, K 318
- HB 684, relative to public employee collective bargaining. (Normandin of Sul. 8 et al - To Labor, Industrial and Rehabilitative Services)
161, study 353, 790
- HB 685-FN, creating a single state district court and abolishing all remaining municipal courts. (Jacobson of Mer. 2 - To Judiciary)
161, study 403, 790
- HB 686-FN, relative to information required on birth, marriage, and death certificates. (Dickinson of Car. 2; Flanders of Rock. 5 - To Constitutional and Statutory Revision)
161, am & Approp 374, rem 459, study 470, 790
- HB 687-FN, relative to campaign financing. (Flanagan of Rock. 8; Sen. St. Jean - To Constitutional and Statutory Revision)
161, am 374-377, psd 389, S study 628, 790
- HB 688-FN, establishing past performance review and bonding in the licensing of solid and hazardous waste operators and land excavators. (Joslyn of Rock. 20; Sen. Johnson - To Environment and Agriculture)
161, study 351, 790
- HB 689, establishing a department of natural resources. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Administration)
161, study 436, 790
- HB 690, establishing a reorganized department of safety. (Ward of Graf. 1; Sen. Dupont - To Executive Departments and Administration)
161, study (RC) 436-437, 790
- HB 691-FN, relative to the definition of a legal resident of New Hampshire. (Chandler of Car. 1 - To Constitutional and Statutory Revision)
161, K 348

- HB 692-FN, relative to contribution rates for unemployment compensation.
(Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services)
161, am 353, psd 389, conc S am 666, enr am 721, enr 759 (Chapter 340)
- HB 693, providing minimum occupational health and safety standards for the operation of video display terminals at places of employment.
(O'Brien of Str. 9; Arnesen of Graf. 7 - To Labor, Industrial and Rehabilitative Services)
161-162, K 381
- HB 694-FN, relative to welfare changes. (Copenhaver of Graf. 12 - To Health and Human Services)
First new title: relative to welfare changes and making an appropriation therefor.
Second new title: relative to welfare and making an appropriation therefor and establishing a study committee.
Third new title: relative to welfare and making an appropriation therefor, and relative to a study committee, the division of health and human services, and nursing home payments.
162, am & Approp 379, am 491-492, psd 548, nonconc S am, conf 669, 681, rep adop 692, enr am 756-757, enr 760, appointments 790-791 (Chapter 394)
- HB 695, concerning use of safety seat belt systems in passenger automobiles equipped with such systems. (Pappas of Hil. 37; Emanuelson of Rock. 20 - To Transportation)
162, K (RC) 448-449, recon rej 450
- HB 696-FN, relative to captive insurance companies. (Smith of Hil. 9 - To Commerce, Small Business and Consumer Affairs)
162, am 308, psd 340, S nonconc 628
- HB 697-FN, relative to courts and court procedure. (Sytek of Rock. 20 - To Judiciary)
162, am 403-405, psd 451, conc S am 668, enr am 723, enr 759 (Chapter 341)
- HB 698, relative to court administration. (Sytek of Rock. 20 - To Judiciary)
162, am 405-406, psd 451, nonconc S am, conf 665, 676, K 779
- HB 699, relative to storage costs for radioactive waste. (Hollingworth of Rock. 17 - To Science and Technology)
162, psd 319, 340, enr 567, S conc 569 (Chapter 141)
- HB 700-FN, relative to bingo. (Phelps of Mer. 1 - To Regulated Revenues)
162, study 319, 791
- HB 701, establishing a police standards and training council within the department of postsecondary vocational education. (Ward of Graf. 1 - To Executive Departments and Administration)
162, am 292, psd 300, S conc 569, enr 626 (Chapter 152)
- HB 702, relative to deliveries of home heating fuels. (Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
162, K 346
- HB 703, requiring energy efficiency labeling on appliances. (Smith of Hil. 21 - To Commerce, Small Business and Consumer Affairs)
162, K 346-347
- HB 704-FN, relative to early debt redemption and operating deficits.
(Ames of Rock. 10 et al - To Appropriations)
New title: requiring the state treasurer to report annually to the legislature about early debt redemption.
162, am 492, psd 548, nonconc S am, conf 665, 676, K 779
- HB 705-FN, establishing an approval and certification system for water supply and environmental testing laboratories. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
162, am 358-359, psd 389, S conc 627, enr 695 (Chapter 226)
- HB 706-FN, relative to licensing motor vehicle insurance appraisers.
(Guay of Coos 7 - To Executive Departments and Administration)
162, K 394

- HB 707, relative to legislative review of state agencies and programs. (Rounds of Graf. 10 et al - To Legislative Administration)
162, am 381-382, psd 389, S study 791
- HB 708-FN, relative to the indigent defense program. (Eaton of Ches. 4 - To Judiciary)
162, am 406-407, psd 451, nonconc S am, conf 668, 682, 691, rep adop 693, enr 758 (Chapter 342)
- HB 709, creating a privilege for certain victims and their counselors. (Krasker of Rock. 27 et al - To Judiciary)
162, am 407, psd 451, conc S am 552, enr 566 (Chaper 98)
- HB 710-FN, relative to the selection of guardians ad litem. (Jacobson of Mer. 2; Kinhan of Mer. 14 - To Judiciary)
162, study 313, 791
- HB 711-FN, creating a board of examiners in ophthalmic dispensing. (Stio of Mer. 5 - To Executive Departments and Administration)
162, study 352, 791
- HB 712-FN, relative to the semi-annual payment of county taxes. (Ahrens of Hil. 13 - To Municipal and County Government)
162, K 382
- HB 713, relative to standards for the awarding of legal and physical custody. (Chandler of Mer. 21 - To Children, Youth and Elderly Affairs)
162, study 344, 791
- HB 714-FN, relative to fees for teacher certification. (Pearson of Bel. 5; Bolduc of Bel. 10 - To Education)
162, Approp 349, K 462
- HB 715, relative to group insurance for part-time employees. (Wallner of Mer. 18; Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs)
162, am 347, psd 388, S conc 627, enr 695, veto sustained (RC) 751-752
- HB 716-FN, relative to the land use change tax. (Guay of Coos 7 - To Municipal and County Government)
162, am 355, psd 389, S conc 627, enr 695 (Chapter 227)
- HB 717-FN, relative to plumbers and plumbing. (LaMott of Graf. 5; Sen. Freese - To Executive Departments and Administration)
162, K 394
- HB 718-FN, to include state prison educational personnel in group II of the New Hampshire retirement system. (Matson of Ches. 7 - To Executive Departments and Administration)
162, K 309
- HB 719-FN, relative to shelter assistance for recipients of aid to families with dependent children. (Densmore of Graf. 3; King of Graf. 12 - To Health and Human Services)
162, K 379
- HB 720, relative to county government. (Pressly of Hil. 24 et al - To Municipal and County Government)
162, K 382
- HB 721-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (O'Rourke of Hil. 35 et al - To Executive Departments and Administration)
162, am & Approp 309-310, am 492, psd 548, S study 628, 791
- HB 722, establishing statutory accounting procedures for the regulation of insurance companies and requiring premium finance companies to be audited annually by certified public accountants. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
New title: relative to insurance practices and tax collection.
162, psd 308, 340, nonconc S am, conf 657, 670, rep adop 679, enr 758 (Chapter 343)

- HB 723, relative to non-profit health service corporations. (Burns of Coos 5 - To Commerce, Small Business and Consumer Affairs)
162, psd 308, 340, conc S am 666, enr 734 (Chapter 316)
- HB 724-FN, relative to small claims litigation. (Sytek of Rock. 20 - To Judiciary)
162, am 407-408, psd 451, S conc 569, enr 674 (Chapter 182)
- HB 725-FN, relative to fees of law enforcement officers and judgments and executions. (Sytek of Rock. 20 - To Judiciary)
New title: relative to judgments and executions.
162, am 408, psd 451, conc S am 669, enr 758 (Chapter 325)
- HB 726, relative to alimony and property settlements. (King of Graf. 6 - To Judiciary)
163, study 408, 791
- HB 727, relative to employee removal powers of county commissioners. (Boucher of Mer. 9 - To Municipal and County Government)
163, K 355
- HB 728-FN, relative to publication of city bylaws and ordinances. (Hager of Mer. 21 - To Municipal and County Government)
163, psd 318, 340, S conc 569, enr 674 (Chapter 183)
- HB 729, relative to the manual for the general court. (Matson of Ches. 7 - To Legislative Administration)
163, am 381, psd 389, enr 567, S conc 568 (Chapter 142)
- HB 730, requiring kindergarten education in all school districts. (Hawkins of Bel. 5 - To Education)
163, K 414
- HB 731-FN, creating a study committee to review the current regulatory functions of the board of psychologists and to recommend legislation for improvements in the board. (Kinhan of Mer. 14; Butler of Rock. 11 - To Executive Departments and Administration)
163, study 394, 791
- HB 732, relative to insurance coverage for services of persons licensed under RSA 330-A. (Kinhan of Mer. 14 et al - To Commerce, Small Business and Consumer Affairs)
163, psd 374, 389, S study 568, 791
- HB 733, relative to election ballots. (Sallada of Hil. 4 - To Constitutional and Statutory Revision)
163, rem 343, am 386-388, psd 388, S study 568, 791
- HB 734-FN, relative to child support enforcement. (Vartanian of Rock. 20; Arnold of Hil. 33 - To Children, Youth and Elderly Affairs)
First new title: relative to child support enforcement and making an appropriation therefore.
Second new title: relative to child support enforcement and making an appropriation therefor.
163, Approp 287, psd 492, 548, conc S am 667, enr am 723, enr 759 (Chapter 331)
- HB 735-FN, relative to state initiatives for child support enforcement. (Vartanian of Rock. 20; Arnold of Hil. 33 - To Children, Youth and Elderly Affairs)
163, am 344, psd 388, conc S am 666, enr 735 (Chapter 344)
- HB 736, requiring certain utilities to submit plans for energy conservation measures. (Easton of Graf. 11 - To Commerce, Small Business and Consumer Affairs)
163, K 347
- HB 737-FN, increasing the salaries for certain employees of the department of postsecondary vocational-technical education. (Walker of Rock. 17 et al - To Education)
163, Approp 277, am 541, psd 548, S study 628, 791
- HB 738-FN, to change the operation and the name of the department of postsecondary vocational-technical education. (Walker of Rock. 17 et al - To Education)
163, am & Approp 349-350, am 541-542, psd 548, S study 664, 791

- HB 739-FN, authorizing the county commissioners in Coos county to administer unincorporated places. (Guay of Coos 7 - To Municipal and County Government)
163, study 318, 791
- HB 740, recodifying the historic preservation statutes. (Hendrick of Hil. 12 et al - To Resources, Recreation and Development)
163, am 359-365, psd 389, conc S am 666, enr am 719, enr 759 (Chapter 345)
- HB 741-FN, prohibiting boxing in New Hampshire. (Newcombe of Hil. 25 - To Executive Departments and Administration)
163, K 352
- HB 742, enabling mutual savings banks to reorganize as mutual holding companies. (Robinson of Str. 4 et al - To Commerce, Small Business and Consumer Affairs)
163, am 347-348, psd 388, conc S am 657, enr 710 (Chapter 267)
- HB 743, establishing a general fund balance sheet reserve account. (Tamposi of Hil. 27 et al - To Appropriations)
163-164, K 542
- HB 744-FN, consolidating the mental health laws. (Vartanian of Rock. 20 et al - To State Institutions and Housing)
New title: relative to community mental health center fees, emergency hospitalization, and certain rulemaking authority.
164, am 368-370, psd 389, S conc 569, enr am 571, enr 674, appointments 791 (Chapter 194)
- HB 745-FN, granting administrative authority to the director of the division of mental health and developmental services to carry out the statutory purposes of the division. (Vartanian of Rock. 20 et al - To State Institutions and Housing)
164, K 370
- HB 746, relative to truck weights. (Walter of Graf. 13 et al - To Transportation)
164, study 409, 791
- HB 747-FN, relative to litter control and recycling. (Burns of Coos 5 et al - To Ways and Means)
164, K (RC) 468-469
- HB 748-FN, increasing the salaries of state employees in academic positions. (Walker of Rock. 17 et al - To Education)
164, am & Approp 291, psd 542, 548, S study 628, 791
- HB 749, relative to the recall of public officials. (Donnelly of Str. 7 - To Constitutional and Statutory Revision)
164, K 348
- HB 750-FN, relative to electing 5 commissioners in village districts. (Boucher of Mer. 9; Sen. Podles - To Municipal and County Government)
164, K 382
- HB 751-FN, relative to sweepstakes commission budget requests. (Phelps of Mer. 1 - To Appropriations)
164, K 392
- HB 752, establishing a department of regulated enterprises. (Ward of Graf. 1; MacDonald of Car. 6 - To Executive Departments and Administration)
164, study 394-395, 791
- HB 753-FN, to provide a loss carryover under the business profits tax. (Donovan of Hil. 28 et al - To Ways and Means)
164, study 464-465, 791
- HB 754-FN, relative to prompt payments by the state. (Burns of Coos 5 et al - To Executive Departments and Administration)
164, K 395
- HB 755, relative to amendments in the New Hampshire energy code. (Smith of Hil. 21 - To Commerce, Small Business and Consumer Affairs)
164, am 348, psd 388, conc S am 657, enr 734 (Chapter 276)

- HB 756-FN, relative to the hazardous waste cleanup fund. (Bardsley of Mer. 1 et al - To Environment and Agriculture)
New title: relative to the hazardous waste cleanup fund and authorizing remedial cleanup of hazardous wastes and making an appropriation therefor.
164, am 377-378, psd 389, nonconc S am, conf 668, 682, rep adop 692, enr 758 (Chapter 346)
- HB 757, making the seller liable for the land use change tax. (Foss of Coos 2 - To Environment and Agriculture)
164, K 308
- HB 758, relative to third party payments for certain certified psychologists. (Bolduc of Bel. 10 - To Commerce, Small Business and Consumer Affairs)
164, K 348
- HB 759-FN, relative to the police standards and training fund. (Mace of Rock. 21 et al - To Executive Departments and Administration)
164, study 437, 791
- HB 760-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. (Eaton of Ches. 4 - To Executive Departments and Administration)
New title: relative to retirement benefits for certain group II permanent policemen, the return of the accumulated contributions of group I and group II members of the retirement system, and group II member and employer contributions relative to FICA payments.
164, am & Approp 437-438, am 542-543, psd 548 (K)
- HB 761-FN, relative to court fees for trust accounts. (Gordon of Mer. 7 - To Judiciary)
164, K 352
- HB 762, requiring hospitals to provide emergency medical services to all applicants. (Newman of Rock. 24 - To Health and Human Services)
164, am 311, psd 340 (K)
- HB 763-FN, establishing a commission to study the feasibility of implementing an emergency telephone number. (Jensen of Bel. 6 - To Public Protection and Veterans Affairs)
164, K 318
- HB 764, relative to the practice of optometry. (Nagel of Rock. 20 et al - To Health and Human Services)
164, am 311-312, psd 340, conc S am 570, enr am 680, enr 734 (Chapter 245)
- HB 765, relative to motor vehicle registration fees. (Hayes of Mer. 15 - To Transportation)
164, K 323
- HB 766, relative to juvenile detention procedures. (Parker of Ches. 11 - To State Institutions and Housing)
164, am 370, psd 389, S conc 569, enr am 733, enr 760 (Chapter 379)
- HB 767, to establish a study committee to design a system of dispositional alternatives for the placement of children by the division of children and youth services. (Parker of Ches. 11 - To Children, Youth and Elderly Affairs)
164, K 344
- HB 768-FN, relative to minimum mandatory sentences for felonious use of firearms. (Barberia of Mer. 21 - To Judiciary)
164, K 313
- HB 769, relative to solar energy. (Smith of Hil. 21 - To Science and Technology)
164, am 366, psd 389, conc S am 666, enr 735 (Chapter 369)
- HB 770-FN, relative to the compensation of probate judges. (Robinson of Str. 4 - To Judiciary)
164, study 408, 792

- HB 771, relative to the support and custody of children. (Kinhan of Mer. 14 - To Judiciary)
164, K 408-409
- HB 772, defining marital property and the division thereof pursuant to divorce. (Kinhan of Mer. 14 - To Judiciary)
164, K 409
- HB 773-FN, relative to financial disclosure by public officials. (Raiche of Hil. 41 et al - To Legislative Administration)
164, study (RC) 335-336, 792
- HB 774, relative to fighting forest and brush fires on federal land. (Holmes of Car. 3 et al - To Resources, Recreation and Development)
164, am 409, psd 451, S conc 663, enr 734 (Chapter 262)
- HB 775, relative to child abuse. (Scamman of Rock. 19 - To Children, Youth and Elderly Affairs)
164, am 371, psd 389 (K)
- HB 776, relative to the administration of the children's study home. (Scamman of Rock. 19 - To Children, Youth and Elderly Affairs)
165, am 344-346, psd 388, conc S am 564, enr am 571, enr 674 (Chapter 195)
- HB 777-FN, relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years. (Holmes of Mer. 13 - To Municipal and County Government)
New title: relative to extending the payback period of municipal and county bond anticipation notes from 2 to 5 years and to renewal of bond anticipation notes.
165, am 355, psd 389, enr 567, S conc 569 (Chapter 143)
- HB 778-FN, authorizing cities and towns to borrow for certain planning costs. (Hager of Mer. 21; Holmes of Mer. 13 - To Municipal and County Government)
165, psd 382, 389, S conc 569, enr am 681, enr 734, veto sustained (RC) 766-767
- HB 779-FN, relative to the publication of ordinances. (Kinhan of Mer. 14 et al - To Municipal and County Government)
165, K 318
- HB 780, relative to administrative inspection warrants. (Duprey of Hil. 31 - To Judiciary)
165, K 409
- HB 781, conforming state unemployment compensation law to federal law. (Fraser of Mer. 6; Ahrens of Hil. 13 - To Labor, Industrial and Rehabilitative Services)
165, K 353
- HB 782, restricting access of minors to sexually explicit films, videocassettes, and other harmful materials. (Packard of Str. 4 et al - To Judiciary)
165, rem 390, K 450
- HB 783-FN, relative to the number of commercial fishermen licenses for the taking of lobsters in the coastal waters of the state. (Blanchard of Rock. 26 et al - To Fish and Game)
165, K 278
- HB 784-FN, relative to motor vehicle registration fees. (Phelps of Mer. 1; Palumbo of Rock. 10 - To Transportation)
165, study 323, 792
- HB 785, relative to defined benefit pension funds in the private sector. (Dexter of Bel. 8; Hutchings of Graf. 8 - To Labor, Industrial and Rehabilitative Services)
165, study 354, 792
- HB 786, requiring notice and hearing prior to liquor license revocation or suspension and providing an appeals process. (Blais of Hil. 44 - To Regulated Revenues)
165, study 319, 792

- HB 787-FN, relative to retirement. (Chandler of Mer. 21 et al - To Executive Departments and Administration)
165, am & Approp 438-440, am 543, psd 548, nonconc S am, conf 669, 682, rep adop 752, enr 760 (Chapter 398)
- HB 788-FN, relative to county attorneys. (Duprey of Hil. 31 - To Judiciary)
165, K 409
- HB 789, relative to municipal industrial development authorities. (Coulombe of Coos 8 - To Municipal and County Government)
165, study 355, 792
- HB 790, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. (Lown of Hil. 9 et al - To Municipal and County Government)
165, K 355
- HB 791-FN, relative to the small scale power facility tax exemption. (Smith of Hil. 21 et al - To Science and Technology)
165, study 383, 792
- HB 792, relative to electing delegates to state party conventions. (Matson of Ches. 7 - To Constitutional and Statutory Revision)
165, am 392, psd 451, nonconc S am 665, K 779
- HB 793-FN, relative to unemployment insurance for persons who contract with a municipality to provide services for less than 6 months. (Jacobson of Mer. 2 - To Labor, Industrial and Rehabilitative Services)
165, K 354
- HB 794-FN, relative to the legacy and succession tax. (McGlynn of Hil. 29 - To Ways and Means)
165, study 465, 792
- HB 795, relative to suspension and dismissal of students. (Burton of Str. 4 - To Education)
165, K 350
- HB 796-FN, allowing land in excess of 2 acres on any lot to be classified under current use. (Jacobson of Mer. 2 - To Environment and Agriculture)
165, K 308
- HB 797, relative to filing a petition for a divorce based on irreconcilable differences. (Jacobson of Mer. 2 - To Judiciary)
165, study 409, 792
- HB 798, relative to separate maintenance. (Jacobson of Mer. 2 - To Judiciary)
165, K 313
- HB 799-FN, establishing that providers of respite care and client skills training to developmentally impaired individuals shall not be deemed to be in employment by area agencies. (Zeckhausen of Bel. 11; Nelson of Hil. 31 - To Labor, Industrial and Rehabilitative Services)
165, study 354, 792
- HB 800, relative to towns trust funds. (Johnson of Rock. 1 - To Municipal and County Government)
165, K 355
- HB 801, relative to three lighthouses on lake Sunapee. (Kidder of Mer. 2; Mehegan of Sul. 3 - To Resources, Recreation and Development)
165, psd 319, 340, S conc 569, enr am 571, enr 674 (Chapter 196)
- HB 802, requiring emissions control inspection of used motor vehicles in certain urban areas. (Greene of Rock. 18 - To Environment and Agriculture)
First new title: authorizing the city of Nashua to adopt an emissions control program and establishing a study committee to analyze data relative to air pollution in Nashua.
Second new title: authorizing the adoption of a program of motor vehicle emissions inspection in certain areas and establishing a study committee to analyze data relative to air pollution in Nashua.

190, am 378-379, psd 389, nonconc S am, conf 665, 676, rep adop 752, enr am 760, enr 762-763, appointments 792 (Chapter 403)

HOUSE JOINT RESOLUTIONS

- HJR 1, relative to a systematic review of health coverage proposals.
(Townsend of Sul. 1 et al - To Commerce, Small Business and Consumer Affairs)
30, K 110
- HJR 2, authorizing payment of \$457.50 plus interest to Vasilios Stagika for a lapsed legacy. (Townsend of Graf. 13 - To Appropriations)
78, psd 193, 230, S conc 457, enr 549 (Chapter 76)
- HJR 3-FN, granting William Lindeman the right to lease from the state for the remainder of his life a campsite located in Crawford Notch State Park. (Chandler of Car. 1; Sen. Heath - To Resources, Recreation and Development)
135, K 297
- HJR 4, establishing February as Black History Month. (Gage of Rock. 13 et al - To Constitutional and Statutory Revision)
165, K 348
- HJR 5, relative to procedures for non-partisan primary elections of town officials. (Johnson of Ches. 3 - To Constitutional and Statutory Revision)
New title: relative to procedures for non-partisan primary elections in the town of Winchester.
165, am 392, psd 451, conc S am 561, enr 566 (Chapter 113)

HOUSE CONCURRENT RESOLUTIONS

- HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect. (Warburton of Rock. 6 - To Constitutional and Statutory Revision)
19, adop 58, 66, S conc 140
- HCR 2, adopting joint rules for 1985. (Rounds of Graf. 10; Chambers of Graf. 12)
intro & am 34-35, adop 44, conc S am 47-48
- HCR 3, to discourage billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances. (Dickinson of Car. 2 - To Resources, Recreation and Development)
New title: to encourage reduced billboard advertising, to encourage the use of directional signs as a substitute for billboards, and to encourage the development and adoption of local sign ordinances.
56, am 211, adop 231, S conc 551
- HCR 4, relative to the allocation of state public waters. (Woodward of Rock. 18 et al - To Resources, Recreation and Development)
56, adop 211, 231, conc S am 570
- HCR 5, honoring the New Hampshire state parks' fiftieth anniversary and the first park system director, Russell B. Tobey. (Meader of Str. 10 et al - To Resources, Recreation and Development)
56, am 118, adop 131, S conc 390
- HCR 6, applying to the Congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Roberts of Mer. 10 et al - To Constitutional and Statutory Revision)
75, LT (RC) 411-412, IP 779
- HCR 7, requesting Congress to make all national holidays fall on their original dates. (Gordon of Mer. 7 et al - To Constitutional and Statutory Revision)
134, K 235
- HCR 8, to ratify an amendment to the Constitution of the United States to provide for representation of the District of Columbia in Congress. (Raiche of Hil. 41 et al - To State-Federal Relations)
136, K 297

- HCR 9, inviting Chief Justice King to address a joint convention on the state of the Judiciary. (Tucker of Sul. 7; Sen. Roy)
intro & adop 139-140, 159 (S adop)
- HCR 10, expressing the intent of the legislature to enact the state operating budget annually. (Chambers of Graf. 12 - To Appropriations)
163, adop 543, 548, S nonconc 664
- HCR 11, requesting New Hampshire's congressional delegation to introduce and support legislation amending the regulatory powers of the Federal Energy Regulatory Commission. (Dickinson of Car. 2 - To Resources, Recreation and Development)
166, am 365-366, adop 389, S conc 675
- HCR 12, requesting the United States Postal Service to issue a commemorative bicentennial stamp. (Chase of Car. 6 - To State-Federal Relations)
166, adop 366, 389, S conc 569
- HCR 13, expressing the support of the general court for the work being done by the United States Senate subcommittee on aging and Senate Bill 174 providing for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia.
intro & adop 777-778, 779 (S IP)

HOUSE BILLS OF INTENT

- HBI 2001, relating to the establishment of a state tourism policy. (Meader of Str. 10 - To Resources, Recreation and Development)
47, study 126, 792
- HBI 2002, relating to the problems caused by OHRVs, snow traveling vehicles and all terrain vehicles. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
75, study 243, 792
- HBI 2003, relating to private firefighter certification. (Raynowska of Rock. 20; Burkush of Hil. 43 - To Public Protection and Veterans Affairs)
75, K 172
- HBI 2004, relating to procurement of computer equipment by the state and its political subdivisions. (Hyman of Hil. 3 - To Science and Technology)
75, study 244, 793
- HBI 2005, relating to funding the arts through business contributions. (Scranton of Ches. 16 - To Education)
78, study 277, 793
- HBI 2006, relating to the historical fund administered by the joint legislative historical committee. (Sallada of Hil. 4 - To Legislative Administration)
106, study 316, 793
- HBI 2007, relating to the Youth Development Center. (Vartanian of Rock. 20 - To State Institutions and Housing)
133, study 212, 793
- HBI 2008, relating to the New Hampshire state hospital. (Vartanian of Rock. 20 - To State Institutions and Housing)
133, study 370, 793
- HBI 2009, relating to the Laconia state school. (Vartanian of Rock. 20 - To State Institutions and Housing)
133, study 212, 793
- HBI 2010, relating to enhancing the potential of New Hampshire's rivers. (Bangs of Rock. 7 et al - To Resources, Recreation and Development)
133, study 243, 793
- HBI 2011, relating to use of our forest resources. (Dickinson of Car. 2; Woodward of Rock. 18 - To Resources, Recreation and Development)
133, study 319, 793

- HBI 2012, relating to persons handling and servicing liquefied petroleum gas. (Bangs of Rock. 7; Sen. Bartlett - To Public Protection and Veterans Affairs)
133-134, K 318-319
- HBI 2013, relating to impasse resolution under the public employee labor relations law. (Gage of Rock. 20 - To Labor, Industrial and Rehabilitative Services)
134, K 316
- HBI 2014, relating to consideration of broadening the base of the New Hampshire business profits tax. (Zeckhausen of Bel. 11; Jones of Str. 6 - To Ways and Means)
134, adop 465, 479, appointments 793
- HBI 2015, relating to the establishment of a reorganized department of health and human services. (Ward of Graf. 1 - To Executive Departments and Administration)
163, rem 390, adop 450, 451, appointments 793
- HBI 2016, relating to the establishment of a department of labor and employment security. (Ward of Graf. 1 - To Executive Departments and Administration)
163, rem 390, adop 450, 451, appointments 793
- HBI 2017, relating to selection and certification of sites for new hazardous waste treatment facilities. (Chambers of Graf. 12 - To Environment and Agriculture)
165, adop 351, 389, appointments 793
- HBI 2018, relating to hazardous waste management and control. (Wight of Hil. 9; Bardsley of Mer. 1 - To Environment and Agriculture)
165, K 351

HOUSE RESOLUTIONS

- HR 1, relative to adoption of the House Rules of the 1983 Session. (Rounds of Graf. 10; Chambers of Graf. 12)
intro, am & adop 8-9
- HR 2, relative to a committee of three to assign seats to the members. (Townsend of Sul. 1)
intro & adop 9
- HR 3, relative to a committee to select a suitable person to act as Chaplain during the present session. (Parr of Rock. 17)
intro & adop 9
- HR 4, relative to action of all sessions of the House to be recorded through public address system on tape. (Chardon of Coos 6)
intro & adop 9
- HR 5, Clerk to employ stenographic and clerical assistance. (Kidder of Mer. 2)
intro & adop 9
- HR 6, Sergeant-at-Arms to employ such personnel as necessary. (Rounds of Graf. 10)
intro & adop 9
- HR 7, relative to distribution of House Journals, bills and resolutions. (Burns of Coos 5)
intro & adop 9
- HR 8, relative to cancellation of House meetings due to weather. (LaMott of Graf. 5)
intro & adop 9-10
- HR 9, relative to legislative salary being paid in the month of January, 1985. (Townsend of Sul. 1)
intro & adop 10
- HR 10, fixing January 29, 1985 as the date through which House Rules may be amended by majority vote. (Rounds of Graf. 10; Chambers of Graf. 12)
intro & adop 19, am 35-36

- HR 11, designating Friday, January 25, 1985 as the deadline for the filing of drafting requests. (Rounds of Graf. 10; Chambers of Graf. 12)
intro & adop 19
- HR 12, adopting joint rules for the 1985 session. (Rounds of Graf. 10; Chambers of Graf. 12)
intro & adop 19
- HR 13, relative to low-level radioactive waste management compact. (Parr of Rock. 17 et al)
28, adop 43, 44
- HR 14, memorializing Edwin P. Chamberlin of Bath. (LaMott of Graf. 5; Mann of Graf. 5)
intro & adop 20
- HR 15, memorializing former Representative Norman A. McMeekin of Haverhill. (LaMott of Graf 5; Mann of Graf. 5)
intro & adop 20-21
- HR 16, relative to the office of waste management, division of public health services, department of health and human services. (Rounds of Graf. 10 et al)
30-31, am 53, adop 54
- HR 17, relative to Central America. (Locke of Bel. 6 et al)
31, am (RC) 93-94, adop 96
- HR 18, honoring Representative Joseph M. Eaton of Hillsborough. (Tucker of Sul. 9)
intro & adop 43
- HR 19, congratulating Kris Porter of Windham. (Skinner of Rock. 21; Mace of Rock. 21)
intro & adop 44
- HR 20, memorializing Representative John H. Stimmell of Northwood. (Tucker of Sul. 9 et al)
intro & adop 44-45
- HR 21, memorializing former Representative Arthur H. McAllister of Center Barnstead. (Golden of Bel. 7)
intro & adop 66
- HR 22, commemorating Helen J. Sullivan for 50 years of service to the Grange. (Barberia of Mer. 21)
163, K 308
- HR 23, commemorating Hazel Kenney for 50 years of service to the Grange. (Barberia of Mer. 21)
163, K 308-309
- HR 24, relative to South Africa. (Copenhaver of Graf. 12; Arnesen of Graf. 7)
163, rem 263, am & LT (RC) 298-299, IP 779
- HR 25, relative to establishing a committee to study the application of consensus building, dispute resolution, and conflict management as an "add-a-step" to the legislative process. (Sytek of Hil. 9 et al)
165, adop 354, 389, appointments 792
- HR 26, memorializing former Representative Rebecca A. Gagnon of Berlin. (Coos County Delegation)
intro & adop 233
- HR 27 Not introduced.
- HR 28, requesting an opinion of the justices relative to part 1, article 17 of the New Hampshire constitution. (Sytek of Rock. 20)
intro & adop 304, 340, S Ct opin printed 623-625
- HR 29, requesting an opinion of the justices concerning the constitutionality of HB 440. (Sytek of Rock. 20)
intro & adop 304-305, 340, S Ct opin printed 696-703

- HR 30, requesting an opinion of the justices concerning the constitutionality of HB 400. (Rounds of Graf. 10; Chambers of Graf. 12)
intro & adop 458, 479, S Ct opin printed 660-663
- HR 31, commemorating the Days of Remembrance of the Victims of the Holocaust April 14-21, 1985. (Tucker of Sul. 8)
intro & adop 478, 479
- HR 32, memorializing former Representative Elwin Allen Parker of Warner. (Tucker of Sul. 8 et al)
intro & adop 477-478
- HR 33, memorializing former Representative William W. Corey of Manchester. (Tucker of Sul. 8 et al)
intro & adop 478
- HR 34, relating to hydropower facilities at Dover and Newmarket and requesting the governor to develop a river resource protection program.
intro 563 (died)
- HR 35, memorializing former New Hampshire State Police Sergeant Francis J. Donahue. (Tucker of Sul. 8; King of Graf. 6)
intro & adop 563
- HR 36, honoring former United States Senator Norris Cotton. (Tucker of Sul. 8 et al)
intro & adop 563-564
- HR 37, honoring Representative Ednapearl F. Parr. (Rounds of Graf. 10)
intro & adop 589-590
- HR 38, honoring the significant contributions of Keene State College and her distinguished alumnae who served the state of New Hampshire. (Whittemore of Mer. 10 et al)
intro & adop 590
- HR 39, memorializing former Representative Joseph F. Ecker of Manchester. (Manchester Delegation)
intro & adop 591
- HR 40, honoring the University of New Hampshire's 1985 Women's Lacrosse National Championship Team. (Steiner of Hil. 33)
intro & adop 676-677
- HR 41, memorializing former Representative George A. Soucy of Manchester. (Tucker of Sul. 8 et al)
intro & adop 691-692
- HR 42, memorializing former Representative Edward T. LaFrance of Manchester. (Manchester Delegation)
intro & adop 753-754
- HR 43, relative to child abuse victims.
intro & adop 777, 779

SENATE BILLS

- SB 1, relative to the settlement laws.
456, am & Approp 578-580, psd (RC) 632-635, 658, recon rej (RC) 658-659, S conc 670, enr am 731-732, enr 760 (Chapter 380)
- SB 2, relative to child victims and child abuse.
454, am 580-581, psd 590, S conc 628, enr 695 (Chapter 228)
- SB 3, relative to expenditures and reporting by political committees.
343, study 557, 793
- SB 4, relative to funding for the department of public works and highways federal aid construction program.
First new title: relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs.

- Second new title: relative to funding for the department of public works and highways federal aid construction program and replacement of new highway signs and making an appropriation to replace a railroad bridge on the Northfield-Tilton town line.
480, am & Approp 586-587, rem 628, am 638-639, psd 658, clarification of am 660, S nonconc, conf 679, rep adop (RC) 712-717, enr am 768-769, enr 782 (Chapter 415)
- SB 5-FN, relative to judicial retirement.
480, rem 628, am 639-655, psd 658, S nonconc, conf 675, 682, rep adop (RC) 736-751, recon rej 753, S nonconc 764
- SB 6-FN, making a supplemental appropriation to the real estate commission.
158, psd 263, 299, enr 343 (Chapter 43)
- SB 7, relative to third party payments for certain licensed psychologists.
S study 793
- SB 8, clarifying the water supply and pollution control commission's rulemaking and enforcement authority.
550, am 597-599, psd 625, S nonconc, conf 665, rep adop 687-690, 696, enr am 754-755, enr 763 (Chapter 401)
- SB 9, authorizing the executive director to set the season, bag limit and method and manner of taking and reporting of wild black bears.
158, am 462, psd 479, S conc 552, enr 566 (Chapter 99)
- SB 10, relative to small loans.
454, psd (RC) 600-601, 625, enr 710 (S sustained veto)
- SB 11, relative to the classification of the Nashua river.
79, psd 211, 231, enr 302 (Chapter 41)
- SB 12, prohibiting the importation and sale of Union of Soviet Socialist Republic manufactured vodka in New Hampshire.
301, K 574
- SB 13, relative to certain wild birds.
79, psd 168, 190, enr 302 (Chapter 42)
- SB 14, relative to annulments of arrest records, the exclusion of certain criminal offenders from workers' compensation, and supervision and control of probationers and parolees.
158, ext 551, am 618-620, psd 625, S nonconc, conf 665, K 779
- SB 15, relative to the adoption of the uniform determination of death act.
S study 793
- SB 16, relative to the statute of limitations for personal actions.
158, ext 551, study 582, 793
- SB 18, relative to the meals and rooms tax on rental property.
S study 793
- SB 19, relative to expending fines and forfeitures collected for fish and game violations on certain awards.
158, K 463
- SB 20, adopting the uniform transfers to minors act.
158, ext 551, psd 573, 590, enr 674 (Chapter 197)
- SB 21, adopting the uniform limited partnership act.
S study 793
- SB 24, amending article 8 of the uniform commercial code.
S study 793
- SB 27-FN, allowing off-site caterers to sell liquor and beverages to members of a private party.
455, psd 588, 590, enr am 730, enr 760 (Chapter 381)
- SB 28-FN, relative to search and rescue in the White Mountains during the winter months.
232, study 463, 793

- SB 30-FN, relative to regulatory boards and commissions.
550, am 594, psd 625, S conc 664, enr am 729-730, enr 760 (Chapter 382)
- SB 31, to authorize use of the Merrimack River water in the Southern New Hampshire Water Company, Inc.'s water works system.
S study 793
- SB 32-FN, an omnibus bill relative to public protection.
New title: relative to matters of public protection.
301, am 555-556, psd 563, S nonconc, conf 570, rep adop 690-691, 696, enr am 729, enr 760 (Chapter 347)
- SB 33, establishing a department of water management and protection.
S study 793
- SB 35, relative to medical review committee reports.
168, am 553-554, psd 563, S nonconc, conf 570, 601, rep adop 675, 691, enr 758 (Chapter 348)
- SB 36, relative to the disposal of sewage and the abatement of nuisances.
454, psd 575, 590, enr 674 (Chapter 198)
- SB 37, relative to the preservation and disposition of Indian skeletal remains.
454, study 560, recon rej (RC) 561-562, study 794
- SB 38, relative to the integrated bar.
232, K (RC) 582-584
- SB 39, establishing that human life begins at conception.
262, LT (RC) 557-558, IP 779
- SB 41, relative to nominations when a candidate does not receive the nomination of his own party in the state primary election.
168, K 462
- SB 42-FN, to phase out the interest and dividends tax.
550, K 578
- SB 50, relative to double damages in civil suits arising from driving while intoxicated accidents.
S study 794
- SB 52-FN, establishing an advisory committee on rules of evidence.
232, am 573, psd 590, S nonconc, conf 628, 664, rep adop 712, enr 760, appointments 794 (Chapter 387)
- SB 54, allowing shareholders to obtain payment for shares upon a lease of corporate property under certain conditions and permitting court ordered corporate liquidation in certain circumstances.
455, am 573, psd 590, S nonconc, conf 664, K 779
- SB 55, removing the executive director of the water supply and pollution control commission from the plumbers' licensing board.
168, psd 572, 590, enr 674 (Chapter 199)
- SB 56, relative to the sunset renewal procedure.
S study 794
- SB 57, relative to legislative and executive oversight of administrative rulemaking.
S study 794
- SB 61, eliminating the requirement of countersignature by 2 trustees or directors when state banks or trust companies borrow money.
301, am 462, psd 479, S nonconc, conf 552, rep adop 683, 696, enr 758 (Chapter 349)
- SB 62, exempting professionally prescribed health aids from attachment and execution.
S study 794
- SB 63, transferring RSA 477:48 relative to security deposits to RSA 540-A relative to practices by landlords and tenants.
453, psd 557, 563, enr 565 (Chapter 100)

- SB 64, removing the responsibility for the state plumbing code from the water supply and pollution control commission and transferring authority for the code to the plumber's licensing board.
342, am 572, psd 590, S conc 628, enr am 693, enr 734 (Chapter 286)
- SB 65, proscribing the transportation of alcohol in open containers.
453, study 560, 794
- SB 66-FN, allowing non-profit charitable organizations, and social and sports clubs to sell lucky 7 tickets.
455, study 597, 794
- SB 67, relative to the execution of wills.
455, psd 573, 590, enr 674 (Chapter 200)
- SB 68, relative to comparative contribution.
454, study 584, 794
- SB 69, relative to the termination of tenancies in manufactured housing parks.
191, psd 370, 389, enr 456 (Chapter 57)
- SB 70, relative to the board of dental examiners.
455, study 572, 794
- SB 71-FN, repealing the mini Davis-Bacon act.
343, psd 559, recon rej 561, psd 563, enr 565 (Chapter 117)
- SB 72, relative to civil penalties for bad checks.
455, am 584, psd 590, S conc 628, enr 695 (Chapter 229)
- SB 73, increasing the appropriation for the construction of regional vocational education centers.
S study 794
- SB 75, relative to parking spaces for any commercial enterprise.
454, K 553
- SB 76, to reclassify certain highways in the town of Sunapee.
232, psd 556, 563, enr 565 (Chapter 101)
- SB 77, limiting utility rate increases resulting from the cost of certain newly completed generating facilities.
S study 794
- SB 80, lowering the required level of blood alcohol content from 10/100 to 8/100 as per se evidence of intoxication.
454, K 596-597
- SB 81, establishing a probationary license for "at risk" drivers.
455, am 588-589, psd 591, S conc 628, enr 695 (Chapter 242)
- SB 83, relative to the rehabilitation of certain railroad branch lines and making an appropriation therefor.
550, am & Approp 587, psd 629, 658, S conc 676, enr 758 (Chapter 350)
- SB 84, relative to the municipal records board.
301, psd 554, 563, enr 565 (Chapter 102)
- SB 85-FN, relative to the sale and distribution of cigarettes.
455, study 578, 794
- SB 86, establishing a joint promotional program for industrial development and making an appropriation therefor.
S study 794
- SB 87, legalizing the agreement establishing the Concord regional solid waste/resource recovery cooperative and the obligations imposed by the agreement.
454, psd 554, 563, enr 565 (Chapter 114)
- SB 88, adopting the portion of the uniform land transactions act relating to rights as to the foreclosure of security interest.
S study 794

- SB 89, relative to voter registration by postcard.
S study 794
- SB 91-FN, relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities.
New title: relative to alternate state guarantees for water pollution control projects and alternate state contributions for construction of water pollution abatement facilities, authorizing the water supply and pollution control commission to purchase liability insurance, and authorizing the water supply and pollution control commission to conduct sewage plan effluent research and investigate a revolving loan fund.
454, am & Approp 575-576, rem 628, am 655-657, psd 658, S conc 670, enr 734 (Chapter 277)
- SB 93-FN, relative to certain withdrawals from the New Hampshire retirement system.
342, Approp 572, am 635-638, psd 658, S nonconc 670
- SB 94, relative to criminal mischief.
454, psd 584, 590, enr 674 (Chapter 201)
- SB 96, relative to patient consent.
454, study 573, 794
- SB 97, relative to certain documents required to be kept in the state house visitors' center.
342, psd 574, 590, enr 674 (Chapter 202)
- SB 98, relative to transmission lines in historic districts.
454, K 586
- SB 100, reinstating the charter of the Golden Rule Farm Homes Associations.
342, psd 462, 479, enr 549 (Chapter 75)
- SB 101, prohibiting the capturing and releasing of deer in certain areas of the state.
454, K 553
- SB 102, relative to the fiscal committee.
566, am 593-594, psd 625, S nonconc, conf 669, rep LT 774, IP 779
- SB 103, authorizing a special town meeting for Pittsfield and legalizing certain town meeting actions.
New title: relative to town meetings, school district meetings, and fire district meetings.
453, am 622-623, psd 625, S nonconc, conf 668, rep adop 684, 696, enr 758 (Chapter 351)
- SB 104, requiring municipalities to give written notice to property owners of reassessed property value.
S study 794
- SB 105, relative to foreclosure sales of mortgaged premises.
New title: relative to notice of foreclosure sales of mortgaged premises.
453, am 573, psd 590, S conc 628, enr 710 (Chapter 248)
- SB 106, relative to absentee voter registration.
S study 794
- SB 107, relative to the posting land in current use.
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- SB 108, relative to administrative attachment of occupational and professional licensing boards.
454, am 606-607, psd 625, S nonconc, conf 670, rep adop 770-771, enr am 781, enr 782 (Chapter 416)
- SB 109, relative to appointment of members to the housing finance board.
453, am 577, psd 590, S conc 628, enr 695 (Chapter 230)
- SB 110, establishing a committee for judicial excellence.
454, study 554, 795

- SB 111, defining presite built housing.
453, psd 557, 563, enr 565 (Chapter 104)
- SB 113, relative to inventory blanks.
453, am 554, psd 563, S conc 570, enr 626 (Chapter 153)
- SB 114, relative to wiretapping and eavesdropping.
455, am & SO 584-585, psd 589, 590, S conc 628, enr 734 (Chapter 263)
- SB 115, relative to financial disclosure by elected officials.
454, study 622, 795
- SB 116, relative to hunting and fishing resident licenses.
454, rem 553, IP (RC) 560-561
- SB 117, establishing an annual commemorative rifle or shotgun lottery.
455, am & Approp 594-596, psd 638, 658, S conc 670, enr am 732, enr 760 (Chapter 388)
- SB 118-FN, relative to timely filing of returns under the meals and rooms tax.
454, am 578, psd 590, S nonconc, conf 664, rep adop 684, 696, enr 758 (Chapter 370)
- SB 119-FN, establishing a missing child register.
550, K 572
- SB 120, permitting the voters of a county to vote by referendum to elect the members of the county convention separately from the members of the general court.
S study 795
- SB 121-FN, relative to continuity of employment tenure for state employee benefits purposes.
454, K 559-560
- SB 123-FN, relative to an increased adjusted elderly exemption for the city of Portsmouth.
455, psd 560, 563, enr 565 (Chapter 105)
- SB 124, relative to the powers of the governor and council.
342, K 594
- SB 125-FN, relative to compensation for members of the board of dental examiners.
342, K 581
- SB 126, relative to investing the moneys in the waterfowl conservation account by the state treasurer.
New title: relative to the expenditure and investing of the moneys in the waterfowl conservation account.
455, am 596, psd 625, S conc 664, enr 734 (Chapter 279)
- SB 128-FN, relative to public assistance.
550, Approp 618, rem 628, study 657, 795
- SB 129, establishing a board of acupuncture.
S study 795
- SB 130-FN, implementing a comprehensive moose management program.
454, am (RC) & Approp 616-618, psd 638, 658, S nonconc, conf 670, rep adop 675, 691, enr 758 (Chapter 371)
- SB 131-FN, authorizing the installation of vending machines at rest areas on the state highway system.
453, am 556-557, psd 563, S conc 570, enr 626 (Chapter 154)
- SB 132-FN, authorizing the water supply and pollution control commission to purchase liability insurance.
342, am & Approp 576, am 629-632, psd 658, S nonconc 670
- SB 133, relative to eligibility for financial assistance from towns.
453, psd 554, 563, enr 565 (Chapter 106)

- SB 134, relative to highways to public waters.
454, am 587-588, psd 590, S nonconc, conf 664, rep adop 684, 696, enr 759 (Chapter 352)
- SB 135, extending the due process rights of certain teachers.
342, study (RC) 620-622, 795
- SB 136, relative to the reinstatement of Sports Programs, Inc.
New title: relative to reinstating certain corporate charters.
454, rem 553, rcmt 560, am 594, psd 625, S conc 664, enr 734 (Chapter 280)
- SB 137-FN, relative to bear hunting.
454, K 553
- SB 138-FN, amending the administrative procedure act.
454, psd 572, 590, enr am 707, enr 758 (Chapter 372)
- SB 139-FN, relative to industrial development revenue bonds.
New title: relative to industrial development bond financing of eligible water facilities and commercial fishing vessels.
454, am 601-602, psd 625, S conc 664, enr 734 (Chapter 281)
- SB 140-FN, establishing a state wild turkey stamp.
455, K 596
- SB 141, establishing a committee to study the reduction of benefits provision for group I members of the New Hampshire retirement system.
453, study 572, 795
- SB 142-FN, relative to immediate administrative license revocation for refusal to submit to a blood alcohol content test, or if the results of such tests show that a DWI offense has been committed.
454, K 577
- SB 143-FN, relative to the penalty for aggravated driving while intoxicated.
455, rem 571, am 589, psd 590, S nonconc, conf 664, K 779
- SB 144-FN, establishing a victims' assistance program and a STOP-DWI program, funded through \$100 reinstatement fees to be paid by certain persons who have had their drivers' licenses revoked.
550, rem 593, study 623, 795
- SB 145, relative to the regulation of mortgage companies.
455, am 602-606, psd 625, S nonconc, conf 669, K 779
- SB 147, establishing a committee to study a health cost containment measure.
454, psd 558, 563, enr 565, S sustained veto 682
- SB 148-FN, relative to the fee charged by municipalities for uncollectible checks.
454, K 574
- SB 149-FN, eliminating the position of city sealer of weights and measures in Manchester and Nashua.
455, psd, 560, 563, enr am 571, enr 674 (Chapter 189)
- SB 150, relative to the location of polling places in cities.
453, K 553
- SB 152, to establish the method of assessing time share interests.
453, com changed 458, psd 553, 563, enr 565 (Chapter 107)
- SB 153, relative to a permit system for mooring boats on public waters.
S study 795
- SB 154-FN, allowing the liquor commission to impose an administrative fine in addition to revocation and suspension.
455, K 574
- SB 155, relative to retitling of rebuilt motor vehicles.
S study 795

- SB 156-FN, relative to the definition of a "way."
454, am 577, psd 590, S conc 628, enr 695 (Chapter 231)
- SB 158-FN, ratifying the town of Derry's vote to incur debt to defray costs of its 18 month transitional accounting period.
455, psd 554, 563, enr 566 (Chapter 108)
- SB 160, relative to questioning of the victim in sexual assault proceedings.
S study 795
- SB 163-FN, increasing the housing finance authority's bonding authority.
480, psd 577, 590, enr 674 (Chapter 203)
- SB 164, relative to welfare liens on real property.
S study 795
- SB 166, relative to alcoholism prevention, education, treatment, and research, and making an appropriation therefor.
S study 795
- SB 167, permitting the delegation of site plan review powers.
454, rem 553, rcmt 561, K 574
- SB 169, relative to tax contributions by businesses in regional planning commissions.
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- SB 170-FN, enabling the liquor commission to lease space in its stores for placing automatic teller machines.
New title: enabling the liquor commission to lease space in its stores for placing automatic teller machines and establishing the retail price of wines sold by licensees.
454, am 574-575, psd 590, S nonconc, conf 664, 682, rep adop 684, 696, enr 758 (Chapter 373)
- SB 171, relative to sentencing for driving while intoxicated offenses.
454, K 573
- SB 172, authorizing the city of Nashua to undertake the preliminary work for a second bridge across the Nashua River.
S study 795
- SB 174-FN, exempting transfers of title between nonprofit hospitals from the real estate transfer tax.
455, study 578, 795
- SB 176, allowing city councils to establish penalties for the violation of municipal codes.
453, K 554
- SB 177-FN, relative to vanity plates for disabled or handicapped persons.
454, psd 557, 563, enr 566 (Chapter 109)
- SB 178-FN, relative to certain fees charged by sheriffs and deputy sheriffs and the paying of sheriffs' and deputy sheriffs' fees by the state for court attendance days.
455, psd 554, 563, enr 626 (Chapter 155)
- SB 179, relative to appointed county budget committees.
455, K 554-555
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S study 795
- SB 181, relative to the collection of the gasoline tax.
455, K 578
- SB 182, establishing a 4 year term for all unclassified employees.
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- SB 183-FN, relative to delinquents.
455, K 574

- SB 184-FN, establishing a task force to study the problem of indigent care in New Hampshire.
454, am 554, psd 563, S conc 570, enr 626, appointments 795-796 (Chapter 156)
- SB 185-FN, relative to the registration of autocycle.
455, study 589, 796
- SB 186, relative to child sexual abuse crimes.
S study 796
- SB 187, relative to mandatory auto insurance
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- SB 189-FN, providing cost of living increases to teachers who retired prior to 1957.
New title: providing cost of living increases to teachers who retired prior to 1957 and making an appropriation therefor.
456, psd 571, 590, enr am 679, enr 734 (Chapter 278)
- SB 191, relative to private sector employee labor relations.
S study 796
- SB 192-FN, relative to collection procedures for municipal utilities..
454, psd 555, 563, enr 566 (Chapter 110)
- SB 193-FN, relative to parking in cities of over 90,000 persons.
454, K 577
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453, K 594
- SB 195, creating a children's trust fund study committee.
454, psd 572, 590, enr am 679, enr 734, appointments 796 (Chapter 264)
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453, K 594
- SB 197-FN, making appropriations to the sire stakes program.
550, rcmt 600, am 632, psd 658, S conc 670, enr 734 (Chapter 265)
- SB 198, relative to the adoption statutes.
454, am 585-586, psd 590, S nonconc, conf 664, rep adop 687, 696, enr 758 (Chapter 353)
- SB 199, relative to a reorganized department of revenue administration.
455, psd 572-573, 590, enr 674 (Chapter 204)
- SB 200, establishing a department of transportation.
455, am 607-616, psd 625, S conc 670, enr am 757-758, enr 763 (Chapter 402)
- SB 201-FN, relative to the Maine-New Hampshire Interstate Bridge Authority and the Portsmouth-Kittery Bridge.
480, am & Approp 588, K 632, recon rej 657
- SB 204, establishing a New Hampshire public employee safety act.
454, psd 622, 625, enr 695 (Chapter 243)
- SB 205, relative to resident taxes for municipalities with a population of 90,000 or more persons.
S study 796
- SB 206-FN, relative to school building aid for the Conway school district.
454, psd 606, 625, enr 695 (Chapter 238)
- SB 208, relative to labeling of maple syrup.
455, K 594
- SB 209, relative to raffles.
New title: relative to raffles held in conjunction with bingo games.
455, am 597, psd 625, S nonconc, conf 665, rep adop 683, 696, enr 758 (Chapter 374)

- SB 210, permitting the use of a separate ballot for proposed zoning amendments.
455, am 555, psd 563, S conc 570, enr am 679-680, enr 734 (Chapter 266)
- SB 211-FN, relative to the road toll statute.
480, rem 593, am 623, psd 625, S conc 664, enr am 718, enr 760 (Chapter 383)
- SB 213, providing for representatives from certain sending districts on school boards.
S study 796
- SB 214, prohibiting abortions performed on certain minors without parental consent.
454, LT (RC) 581-582, IP 779
- SB 215, relative to a systematic review of health coverage proposals.
454, K 558-559, recon rej 562
- SB 216, establishing the New Hampshire mountain authority.
S study 796
- SB 219-FN, relative to handicapped-made products and services.
454, K 594
- SB 220, relative to shortening the statute of limitations for personal actions and certain restrictions on medical injury actions.
New title: relative to eliminating the ad damnum clause.
453, am 574, psd 590, S nonconc, conf 664, rep adop 684-685, 696, enr 758 (Chapter 354)
- SB 221, relative to the Upham-Walker house.
566, am 597, psd 625, S nonconc, conf 671, K 780
- SB 222, relative to state employee and judicial salaries and making an appropriation therefor.
S req conc 693, suspension of rules for intro rej 694, K 779
- SB 223, relative to retirement benefits for certain legislative and constitutional officers.
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- SB 224, relative to special plates for former prisoners of war.
764, psd 776, 779, enr 782 (Chapter 419)
- SB 225, relative to state employee and judicial salaries and making an appropriation therefor.
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- SB 226, authorizing cities and towns to borrow for certain planning costs.
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- SJR 1, relative to the sweepstakes commission fund.
301, am 638, psd 658, S nonconc 676

SENATE CONCURRENT RESOLUTIONS

- SCR 1, requesting the institution of a national lottery to reduce the national deficit.
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- SCR 2, requesting the United States Congress to amend the United States Constitution to limit the total number of congressional terms a person may serve.
233, K 462
- SCR 3, urging the reestablishment of salmon and shad in the Merrimack River.
454, rem 593, study 623, 796
- SCR 4, calling upon New Hampshire's congressional delegation to support reinstatement of the Small Business Administration.
454, adop 557, 563

SCR 5, supporting limited heroin prescriptions for terminal cancer patients.
454, adop 559, 563

SCR 6, relative to supreme court rules and child abuse victims.
454, adop 572, 590

SCR 7, urging the United States Internal Revenue Service to repeal its ruling concerning keeping adequate contemporaneous records.
454, adop 576, 590

CONCURRENT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

CACR 1, relating to the amount in controversy for the right to a jury trial in civil cases. Providing that the amount in controversy for the right to a jury trial must exceed \$2,500. (Palumbo of Rock. 10; Phelps of Mer. 1)
New title: relating to the amount in controversy required for a jury trial. Providing that the amount be determined by law.
19, adop (RC) 51-52, 54, conc S am 262, enr 456

CACR 2, relating to amending the constitution. Providing that a maximum of 5 legislatively proposed constitutional amendments may appear on the ballot at each biennial November election except elections following a constitutional convention, when the legislature may propose a maximum of 2 amendments and the convention may propose a maximum of 5 amendments. (Beaupre of Hil. 42)
28-29, K 52

CACR 3, relating to compensation of the legislature. Providing that each member of the legislature shall be paid \$30 per each legislative day actually attended up to a maximum payment of \$1,350 for each annual session. (Newman of Rock. 24)
29, adop (RC) 87-88, 96, S nonconc 233

CACR 4, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hil. 40)
30, K (RC) 88-89

CACR 5, relating to amending the constitution. Providing that amendments proposed by the general court or a constitutional convention be spread out over several state general elections.
168, K 462

CACR 6, relating to Constitutional conventions. Providing that when a constitutional convention is called, the delegates shall convene in September. (Whittemore of Mer. 10; Phelps of Mer. 1)
31, K 89

CACR 7, relating to registers of probate. Providing that registers of probate shall be appointed rather than elected. (Sytek of Rock. 20; Sen. Podles)
31, K 89

CACR 8, relating to approving proposed amendments to the constitution. Providing that the popular vote required to approve a proposal to amend the constitution be reduced from 2/3 to 3/5 of the qualified voters voting on the proposal. (Gage of Rock. 13)
32, K 125

CACR 9, relating to limiting sweepstakes funds to educational purposes and programs. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Bel. 5)
34, SO 147, K (RC) 191-192

CACR 11, relating to terms of office for judges. Providing that with the exception of supreme court justices, judges shall be appointed to 6 year terms. (Johnson of Ches. 3; Sen. Chandler)
56, K (RC) 147-148

CACR 12, relating to supreme court advisory opinions. Providing that the supreme court must answer every question posed to it by the legislature or the governor. (Gordon of Mer. 7)
56, study 148, 792

CACR 13, relating to power of the General Court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes need not be proportional and that taxes may be imposed on a graduated scale. (Packard of Str. 4)
72, K (RC) 148-149

CACR 16, relating to the term of the governor. Providing that the term shall be 4 years. (Hawkins of Bel. 5 et al)
75, adop (RC) 175-176, 190, S study 792

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226	HB	0705	291	HB	0045	356	HB	0124
227	HB	0716	292	HB	0046	357	HB	0148
228	SB	0002	293	HB	0055	358	HB	0170
229	SB	0072	294	HB	0064	359	HB	0185
230	SB	0109	295	HB	0103	360	HB	0315
231	SB	0156	296	HB	0104	361	HB	0327
232	HB	0113	297	HB	0109	362	HB	0397
233	HB	0643	298	HB	0112	363	HB	0426
234	HB	0385	299	HB	0173	364	HB	0445
235	HB	0556	300	HB	0180	365	HB	0457
236	HB	0614	301	HB	0184	366	HB	0486
237	HB	0651	302	HB	0186	367	HB	0557
238	SB	0206	303	HB	0231	368	HB	0666
239	HB	0552	304	HB	0233	369	HB	0769
240	HB	0633	305	HB	0239	370	SB	0118
241	HB	0665	306	HB	0261	371	SB	0130
242	SB	0081	307	HB	0265	372	SB	0138
243	SB	0204	308	HB	0283	373	SB	0170
244	HB	0442	309	HB	0296	374	SB	0209
245	HB	0764	310	HB	0307	375	HB	0142
246	HB	0264	311	HB	0318	376	HB	0163
247	HB	0422	312	HB	0333	377	HB	0232
248	SB	0105	313	HB	0349	378	HB	0476
249	HB	0095	314	HB	0369	379	HB	0766
250	HB	0137	315	HB	0404	380	SB	0001
251	HB	0138	316	HB	0723	381	SB	0027
252	HB	0259	317	HB	0421	382	SB	0030
253	HB	0310	318	HB	0434	383	SB	0211
254	HB	0355	319	HB	0436	384	HB	0169
255	HB	0361	320	HB	0446	385	HB	0575
256	HB	0393	321	HB	0461	386	HB	0630
257	HB	0427	322	HB	0482	387	SB	0052
258	HB	0454	323	HB	0485	388	SB	0117
259	HB	0502	324	HB	0490	389	HB	0132
260	HB	0515	325	HB	0725	390	HB	0257

391	HB	0351	401	SB	0008	411	HB	0249
392	HB	0406	402	SB	0200	412	HB	0440
393	HB	0443	403	HB	0802	413	HB	0539
394	HB	0694	404	HB	0444	414	HB	0619
395	HB	0126	405	SB	0225	415	SB	0004
396	HB	0302	406	HB	0400	416	SB	0108
397	HB	0428	407	HB	0189	417	SB	0226
398	HB	0787	408	HB	0289	418	HB	0373
399	HB	0288	409	HB	0600	419	SB	0224
400	HB	0498	410	HB	0118			

